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# THE JUSTICE
OF
# THE MEXICAN WAR

A REVIEW OF THE CAUSES AND RESULTS OF THE WAR, WITH A VIEW TO DISTINGUISHING EVIDENCE FROM OPINION AND INFERENCE

BY

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# PREFACE

IN this volume I have aimed, by a review correcting the misapprehensions of historians relative to the involved and contradictory movements of the period of the Mexican War, to vindicate the justice of that war; to acquit the United States, as a nation, of the most serious, if not the only, charge ever laid against her honor; and to remove the cloud from her just title to her largest possession.

I feel sure that I have stated grave reasons for impeachment of the methods and some of the conclusions of many prominent historians. In considering their books I have criticised them when they followed what seemed to me a bad method; and have done so partly from a belief that to correct a bad method in the writing of histories is of more consequence than to correct false impressions as to a given period of history, even of so important a period as that which

culminated in the Mexican War. To make either correction involves antagonizing writers of established reputation and recognized ability so numerous and influential that a general criticism of their methods unaccompanied by illustrations would be inadequate; while to dispute their conclusions by the bare statement of other conclusions would be presumption.

There has seemed to me, therefore, to be no way open for proper criticism other than to present some arguments against accepted fallacies. The result is a monograph which a friend has quite correctly characterized as "a lawyer's brief," and, he was kind enough to add, "a brief that proves its point." I hope I shall have readers who will agree with him. It has been my endeavor to sift the evidence introduced by historians and not so much to confront their conclusions with contradictory evidence as to distinguish actual evidence from opinion, assumption, or mistaken *a priori* reasoning. The subject of the causes of the Mexican War lends itself well, by way of illustration, to this purpose, because it is one about which there has been written much that is erroneous, and much that is traceable to prejudice.

It is noticeable that the errors of historians occur chiefly in their rapid summarizing of historical settings for their main subjects. The Mexican War was earlier than the period to which Mr. Rhodes directs his research; and Professor Woolsey's statements as to the premature recognition of Texas are remotely incidental to the subjects he had under special consideration in his work upon International Law. On the other hand, John M. Niles, Pease, Williams, and Yoakum, having Mexico and Texas under direct observation, are not chargeable with other than minor errors; and I desire to acknowledge a free use of their works.

Criticisms of my own errors I cordially invite. Indeed by criticising others I have challenged criticism of myself. If a critic will support his statement of an error by proof, his criticism will be received with gratitude; and to make an acknowledgment of such error will be a chief reason for any possible new edition of this book. I confess myself to be in love with my conclusions. But I sincerely trust that I and all who dare to attempt the writing or altering of a line of history are more in love with the truth. I should do great injustice to my

feelings, if I did not express gratitude for the generous encouragement I have received from Professor George Pierce Garrison of the University of Texas, the leading authority on the history of Texas and her admission into the Union, who pointed out to me, after a necessarily hurried examination, what he was kind enough to call "errors in relatively unimportant details."

C. H. O.

HARTFORD, CONN.
March 15, 1908.

# CONTENTS

PAGE

INTRODUCTION . . . . . 1

I

NILES' OPINION . . . . . 21

II

CHARACTER IS EVIDENCE . . . . 30

III

THE WOLF . . . . . 34

IV

THE WOLF'S CUB . . . . . 42

V

THE LAMB . . . . . 72

VI

ANTICIPATIONS OF TROUBLE IN TEXAS . 86

VII

THE LAMB ASSAULTS THE CUB . . 98

PAGE

VIII

RECOGNITION . . . . . 132

IX

MIXED MOTIVES . . . . . 142

X

CLAIMS AND CORRESPONDENCE . . 164

XI

CORRESPONDENCE . . . . . 185

XII

BOUNDARIES. . . . . 214

XIII

FOREIGN INTERVENTION AND ANNEXATION 237

XIV

WAR AND ITS CONSEQUENCES . . 254

# THE
# JUSTICE OF THE MEXICAN WAR

# THE JUSTICE OF THE MEXICAN WAR

## INTRODUCTION

THERE is no rule of International Law by which *casus belli* is definable. The justice or injustice of a war can be determined only by ethical standards, which are subject to great individual variation in their acceptance. There is, therefore, great license allowable in approving or condemning any given resort to war; and in this day of an enlightened feeling that all war is a loss to civilization, whose objects ought to be attained by more humanized means, such condemnation is far more easily extended than limited; and it should be so.

When, therefore, General Grant, or President John Quincy Adams, or Cyrus Town-

send Brady, LL.D., the latest historian to develop the topic, expresses an opinion that the war waged by the United States with Mexico was unjustifiable, or that exorbitant terms of peace were exacted at its close, one is obliged to concede the right to hold that opinion, with some regret, perhaps, at the manner of its expression; and is put upon inquiry as to how unrelenting a whig or abolitionist the contemporary of the events in question was, how well the historian has weighed opposing opinions and evidence, and how far he has been biased by some given school of research or overwhelmed by the numbers and vehemence of its exponents.

Historians and biographers should not rant in lurid phraseology, nor use such phrases as "harpies of the United States," or "Polk's ferocious war message with its howling catalogue of grievances,"[1] or "the sin against the political Holy Spirit."[2] When they quote the opinions of partisans as authoritative sources; indulge in inference, innuendo, or

[1] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 306.

[2] *The Constitutional and Political History of the United States*, H. Von Holst, Chicago, 1881, vol. ii., p. 167.

defamation of dignitaries without citation of detailed evidence, their methods and conclusions certainly invite review, both of conclusions and methods.

How nearly uniform are the denunciations of the Mexican War expressed by historians, and how difficult a task is their confutation, may be inferred from Goldwin Smith's brief account of:

"The quarrel with Mexico, which formed as striking an illustration as history can furnish of the quarrel between the wolf and the lamb, and which no American historian of character mentions without pain." [1]

For although Dr. Smith's reckless use of the general negative commits him to the equivalent of a denial of character to Yoakum, Williams, John M. Niles, Memucan Hunt, Stephen F. Austin, and Presidents Tyler and Polk; and although all he says relative to the Mexican War can be refuted; his sweeping summary, though untrue, does not misrepresent the trend of a majority of American publications, and those which advertising or the position of the writers has rendered most prominent.

[1] *The United States Politcal History*, Goldwin Smith, New York, 1893, p. 211.

Their own opinions, instead of the ultimate facts on which their opinions are based, are freely expressed by modern writers, many of whom print a long list of books in a bibliography of their subject, and then, without further reference thereto, proceed with a consecutive and entertaining narrative, in which cause and effect is traced between one set of events and another; too often making a mistaken estimate of *a priori* probabilities pass for actual evidence of occurrences which never occurred.

Sometimes the unexpected happens.

This so-called philosophical method in history is certainly commendable, so far as it gives incentive and means for testing doubtful authority by the light of credibility, inquiring whether in view of times and places and the logic of events, it seems supposable that certain alleged transactions took place; accepting the allegations as fact only, if they have the stamp of likelihood or of proof. But it is dangerous error not to cast aside always anything in the nature of conjecture, when proof can be had; and a failure to cite chapter and page of authorities puts upon a reviewer the burden of nearly as extended reading for a conscientious

criticism as was required in making the book itself.

I shall follow the philosophical method of inquiry into probabilities in the acceptance of evidence sufficiently to assume that, in a long list of American statesmen, the people seem to have evinced sufficient discrimination in their estimate of public characters to have seldom elected a convicted and unmitigated liar to distinguished position. I shall be actuated by the presumption that the burden of responsibility and duty, acknowledged formally by an official oath, has, with almost entire uniformity, been accompanied, or followed, by decorum and decency in the public, and generally in the private conduct of our highest officials. I shall assume that the desire and ability of a first magistrate and his immediate assistants must be so great to exhibit a creditable and successful administration, and make for themselves honorable reputations, that he and they will be kept, at least as to foreign relations, from ridiculous and manifestly untruthful public statements; and that, for instance, when a President freed from temptation to court popular favor addresses in secret session the senior branch of Congress—his coequal in

the diplomatic action of the State—his relation (after the seal of secrecy has been removed) is to be accepted as more reliable than the tirade of an outvoted political opponent, the lament of transcendentalists, or the skit of a lampoonist of however keen a wit, or poetic and literary charm. I shall assume that when a writer cites mere opinions from such a tirade or skit as historical authority, he indicates a poverty of reliable evidence to support what he asserts, and a bias which puts his conclusions under grave suspicion.

I shall take it for granted that, when National leaders and diplomats are accused of fraud in conducting the administrative functions prescribed for them, and of so misconducting the international relations, intrusted to their observances of propriety and good form, that the result is a mass of correspondence denounced as a disgrace to their Nation and their people, if it is not incumbent on the accusers to be, themselves, governed by such rules of court-martial, or civil courts, as would throw out their charges unless reduced to answerable specifications, they are at least amenable to ordinary rules of logic and fair-play. I shall assume that

such accusations are unworthy of belief, or of any respectful attention, unless substantiated by evidence of some fact. And I shall not accept as evidence of a fact which, if it is a fact, can be exhibited by record, the opinion of any person, not even of a much-badgered ex-President.

The burden of proof is always with the accuser. However the weight of evidence may shift, the burden of proof remains always upon the accuser, whether in the rôle of public prosecutor he pleads to the bench, or in the assumed rôle of the historian, brings his impeachment before the tribunal of public opinion. In no case can an accuser force upon the defence the assumption of the general negative.

If, in any case, I have taken the trouble to point out any facts inconsistent with general and unsubstantiated allegations, it is more because I have wished to make smoother the path of whoever shall eventually write a history of the United States, than because I feel compelled to answer a general complaint by anything other than a general denial, or to join issue when no issue is legitimately presented.

I do not by any means forget that, in any

just and formal court, a motion to amend or a demurrer would be sustained by an order to strike out as "irrelevant" and "impertinent" the great mass of conjectures, innuendoes, insinuations, hints, which, with much valuable and often reliable statement, has gone to make up the enormous aggregate bulk that has passed for history of the causes of the Mexican War. But it is because of the bulk of such literature that it may seem, to some, worth while to offer an occasional illustration of how far an approximation to research may result in exhibiting the contrary of what has been asserted in unpardonably general terms, and with substantial unanimity, by a class of writers unable to free themselves from the bias of some very noble sentiments, or from adulation of some eminently respectable men. In this connection it is not necessary to furnish illustrations, save as they appear in the order of events discussed or recorded.

This work purports to be a review of conclusions as well as of methods. It is, or ought to be, a very dear wish of the historian to make apparent, if true, the right of the American citizen to say to his boy: "Your country never fought an unjust nor an

inglorious war." It may be a more important matter that the reviewer impeach the manners and language of the exponents of the modern school of history, could they only be persuaded to never indulge in innuendo, never to intimate or imply anything; but state it in such form that it can be supported, or overthrown, by the truth. The style of speech of the frontier guide and cowboy is commended to their imitation: "He never hints; he either says or shuts."

As it is impossible for the most veracious witness not to give to, no matter how simple, a portrayal of facts, something of color, so it is impossible for the best intentioned and best trained historian or biographer—or expert with the telescope—not to give something of personal equation to what he sees, or thinks he sees, and so reports; and it would be well, could the reader and student always get behind the printed page and have some knowledge of the writer of a history, and so be able to make the proper discount from the results announced.

For this reason, there is a long credit mark to be drawn against the name of James Schouler, in that he offers some

data, however insufficient, for elimination of any errors, the results of his personal equation. In his notice, prefixed to volume iv. of his very valuable *History of the United States*,[1] he says of himself:

"It is not in my nature to be impartial as between right and wrong, honorable and dishonorable public conduct. . . . All men and all political parties, I have constantly sought to interpret by the atmosphere of their times."

If Mr. Schouler failed to be impartial also in discriminating first what was right and what wrong, what honorable and what dishonorable, or on what evidence he based his assertions, it may have been because of his having placed himself, as well as "all men and all political parties," at a mistaken point of view in "the atmosphere of their times."

The blue light of whig and abolition defeat was not a colorless medium through which to see events, any more than was the red glow of border war and slaveholding domination, both of which atmospheres were characteristic of those times. It needs

[1] *History of the United States*, vol. iv., James Schouler, Boston, January 1, 1889.

the clearer light of later times for a medium through which to see historic truth.

As later writers have with great uniformity not only followed Mr. Schouler almost blindly, but adopted his language to an extent which in itself is a proper matter for criticism of them and compliment to him, it is doubly desirable to be furnished with the data by which any necessary allowance should be made for the effects of the atmosphere in which Mr. Schouler chose his point of view. It is enough, in this page, to note that his style of narration and his choice of epithets are sufficient of themselves to show that the atmosphere through which he chose to see the causes of the Mexican War was pre-eminently whig.

How greatly mere opinion, at one date or another, has been made to color alleged history of the Mexican War, appears almost humorously from the pages of no less a writer than James Ford Rhodes, to whom the public is indebted for so much really good work. Among the sources or authorities he cites to justify his condemnation of the Mexican War, are earlier opinions by no means so valuable or well-trained as his own: the opinion of General Grant (by his

own description an irreconcilable whig, and too overwhelmed with the executive work of a life of almost unexampled activity to have studied any debatable public events not coupled with his own performance); the opinion of some fictitious characters in James Russell Lowell's *Biglow Papers*, in which the poet satirized the National armies and their objects in terms so opprobriously, as well as wittily, discouraging of enlistments that, if employed in 1862 by one opposing the far greater and higher cause which was then the Nation's—a cause greater and higher perhaps than any other that any nation ever espoused—they would have probably prompted Lowell himself to demand the author's imprisonment in Fort Lafayette. Some men were sent there for less cause.

Of course it was wise in the forties to let the poet have his fling; the recruiting sergeant could keep "eyes front" whoever recited:

> Ez fer war I call it murder,

or

> You 'll hev to rattle
> On them kittle-drums o' yourn;
> 'Tain't a knowin' kind o' cattle
> Thet is ketched with mouldy corn.

But while there may have been only arrogance and not incipient secession in

> Massachusetts, God forgive her,
> She 's a kneelin' with the rest,

there was assuredly no diploma of Ph.D. ever awarded to Hosea Biglow, to warrant his acceptance as an unbiased judge of a hotly contested case of National honor. Mr. Lowell makes Hosea Biglow put the secession doctrine rather unmistakably:

> Ef I 'd *my* way I hed ruther
> We should go to work an' part,—
> They take one way, we take t'other—
> Guess it would n 't break my heart;
> Men had ough' to put asunder
> Them that God has noways jined;
> An' I should n 't gretly wonder
> Ef there 's thousands o' my mind;

to which the imaginary reverend editor, parson Homer Wilbur, adds: The "first recruiting sergeant on record I conceive to have been that individual, who is mentioned in the Book of Job as *going to and fro in the earth and walking up and down in it.*"

But Mr. Rhodes has a climax of this sort of proof in store: "Sir Charles Lyell

met no one in society who approved the war." [1]

Is it possible that the eminent British scientist missed an introduction to Caleb Cushing, or to George Bancroft,[2] or to any of the party then dominant politically and socially? Or was it the irreconcilables only who substantiated their claims to being "in society" by entertaining a distinguished guest with their version of a political dissension?

Had Grant's opinion been cited on a question of the strategy to be the basis of action of department commanders, had Lowell's judgment been given as to the justification of an "Americanism" by its use in the poems of Chaucer or Shakespeare, or had a theory in geology received Lyell's sanction, it would have made a reviewer very busy to

[1] *History of the United States*, James Ford Rhodes, New York, 1900, vol. i., p. 88.

[2] It was George Bancroft, the historian, who persuaded the Massachusetts Democratic Convention to pronounce for the annexation of Texas; and it was his order as Secretary of War that sent Taylor to the frontier of Mexico, as near to the Rio Grande as practicable.—*Life and Letters of George Bancroft*, M.A. De Wolfe Howe, New York, 1908, vol. i., pp. 287 to 291; and Executive Documents, 1st Session, 30th Congress, No. 60, p. 81.

find the testimony on which either of them could be confuted; for such opinions, if not logically shifting the burden of proof, would go very far toward capturing a popular verdict; and would require something much more than opposing opinions of less distinguished observers to refute them.

But in view of all that either of Mr. Rhodes's authorities knew, or was capable of understanding from the very biased position in which he made his observations, Mr. Rhodes might as well have quoted General Grant's notions of geological periods, Sir Charles Lyell's ideas of language formation, or Hosea Biglow's (not Lowell's) views as to military strategy.

I am most appalled at the necessity of confronting this opinion of so accurate a writer as David A. Wells: "For this war the judgment of all impartial history will undoubtedly be that there was no justification on the part of the United States"; though he says: "It may be that what happened was an inevitable outcome of the law of the survival of the fittest, as exemplified among nations," and contrasts the "development of California, Texas, and Colorado with the stagnant, poverty-

stricken condition of Chihuahua, Sonora, Coahuila."[1]

Mr. Wells does not, however, examine into the causes of the war. The only evidence he gives of its wrongfulness is that there is a monument at Chapultepec to the Mexican Cadets, who well deserved that honor, and the bravery of the undisciplined Mexican troops, which there is no object in disputing. Furthermore Mr. Wells furnishes indisputable authority—to be cited later—of a condition in Mexican affairs which goes far to eliminate criticisms on any interference with them whatever, in view of his descriptions of the victims of peonage.

To have recognized the desirability of knowing the personal point of view from which others write, makes it almost a matter of good faith to disclose whatever might color the medium through which I have observed events and looked for historic data while preparing this volume. It is not fair to throw stones without setting up a glass house.

My earliest recollection of anything akin to politics, is of receiving my father's assistance in constructing a Polk and Dallas flag;

[1] *A Study of Mexico*, David A. Wells, New York, 1887, pp. 70 and 71.

but as I was at the date of Polk's election only six years old, and my father was an early Free-soiler, I am unable to trace any political bias to the circumstance. I was later an employee of the "underground railroad," and was guilty of so much breach of legal and constitutional observance as to have occasionally found the way through an unfrequented tract of wood and brush-pasture for a few persons who with great unanimity were curious to know "Which way is Nothe?" and were uniformly of dark complexion. We were invariably met at nearly the same spot by, so far as I could distinguish in the dusk, the same man, whose general appearance had been previously described to me, and to whom they repeated the question: "Which way is Nothe?" My intellectual development at that period had not been so scanted in the absorption of the frontier novel that I did not begin to plume myself at being engaged in an occupation in which a signal or a pass-word seemed to be an essential. But although I have been a practising lawyer, schooled by Joel Parker and Emory Washburn, and have asked myself the question, I was and am unable to perceive any obligation to ascertain a stranger's pedi-

gree or his profession, before answering a polite inquiry about the indications of the compass.

At a very early period my father had impressed upon me, by the good old Puritan method, the advisability of keeping my mouth shut as to matters of other people's business; and when it became evident that I had (and have until this writing) restrained my impulses to boast of my dark deeds of the night, I was trusted as an errand boy of Senator Francis Gillette; Gideon Welles; Joseph R. Hawley; Charles Dudley Warner; the Connecticut war governor, William A. Buckingham; James Wolfe Ripley, U. S. A., Inspector General of Department of New England; John M. Niles; and, later, for isolated occasions, by Governor Morgan of New York, and General C. C. Augur, U. S. A., commanding Department of Washington. I was also a volunteer, and after a time a commissioned aide-de-camp (which I found to be a more dignified name for errand boy) for General Robert O. Tyler, U. S. A., from the days of his independent command at Fairfax to Spottsylvania with the Fourth Division, Second Corps—Hancock's—which for a few days indulged in the anomaly of four divisions; and to Cold Harbor, where

I got my discharge and exemption together. I worked for Fremont, voted for Lincoln and Grant—twice each, and for several more Republican presidents.

I recognize nothing in my personal experiences which would tend to pervert one to an undue liking for the ways of the slaveholders, or to influence the acceptance of evidence of the failures or successes of National administrations, unless it be a strong impression made by General Hawley's repeated expression: "Uncle Sam is a gentleman."

Perhaps, though, it is only just to add that nobody who has not been a pensioner of the United States and, with his own wounds cared for by his country, seen veterans of Wellington by Nelson's Monument or survivors of Austerlitz by the Hôtel des Invalides holding out braided caps for alms, can fully feel how grand a gentleman is Uncle Sam, or understand what should be the glow of indignation with which an American could hear him maligned. Only when anything said against him is proved can it be received in silence—and with sadness.

# CHAPTER I

## NILES' OPINION

THE analysis of the atmosphere through which the material for this review has been observed, may have passed too far the verge of the autobiographical; but it ought to clear the reviewer from the suspicion of uncontrollable bias for the methods of the slavocracy; and it may serve for the introduction of a man who, in the comparisons of opinions of the Mexican War, should have the casting vote, and from whose printed accounts of facts the pages of this volume borrow much.

Opinions of any date are not conclusive. It is the main object of this review to protest against taking opinions, as controlling evidence. But it may help a reader in accepting such protest, in a receptive frame of mind, to exhibit the fact that the opinions of men of the time were not unanimous in

condemning the Mexican War, as a disgrace.

John Milton Niles affected no graces of oratory. He had not the natural advantage of the "God-like presence," which it was the fashion of that day to extol in this or that idol of the popular homage—a fashion that it is the pernicious habit of present-day biographers to imitate, to the confusion of their sense of proportion and the unbalancing of the scales in which they weigh evidence.

None the less he was the peer of Webster, Clay, Calhoun, and Benton; and a country would be safer and more wisely led by the perfect integrity and common sense of such Senators as he, than by those who waged the wordy "wars of the giants."

I remember him as an undersized, somewhat withered, keen-eyed old man, a little stooped or sloping-shouldered, with a penetrating rather than a powerful voice, a crisp enunciation, rapid and forcible yet deliberate utterance, almost without any figures of speech, save those of Whittier's Abraham Davenport—the *Ten Arab Signs;* with statistics and facts in full command; his reasoning irresistible, and simple enough for public understanding.

His favorite, so far as I can recollect, his only, gesture was to plunge both hands almost to the elbows into the side pockets of a long, loose, bottle-green sack coat—from either of which pockets he could produce a pinch of snuff.

He was not an orator, unless, as a reasoner, in something the same way that Lincoln was, but he was that much greater and more instructive force in a republic,—an unexcelled, even in the Senate of that day, an almost unrivalled, debater. I knew him best in his pear garden, where he was an expert.

He was born in Windsor, Connecticut, in 1787. Too poor to obtain a college training, he got his legal education by work in a lawyer's office, and began practice at the Hartford bar in 1817. In the same year he established the Hartford *Times*, for now almost a century a leading democratic paper of the State. In 1820 he was made Judge of the county court, in 1829 postmaster. From December 31, 1835, to March 3, 1839, he was United States Senator by appointment, and from December 4, 1843, to March 3, 1849, by election. From May 19, 1840, to March 6, 1841, he was Postmaster General of the United States. Appointed at a time

when the Department was laboring under serious embarrassments, he introduced the great reforms of reduced postage and increased mail facilities which, as he had boldly and wisely predicted, resulted in increased revenue. He was the pioneer of the present liberal postal system.

Opposed to a national bank as a centralizing force incompatible with his democratic principles, he was even more strenuously opposed to extension of slavery, which he fought against within party limits as long as there remained hope of success; then broke with his party, to which he had been a stout but unhaltered adherent; founded *The Press* in 1856, the Free-soil paper of Gideon Welles, Joseph R. Hawley, and Charles Dudley Warner; and made his last public appearance at the Connecticut State Republican Convention in the same year.

Of his fitness to judge the principal National event of his day one may learn something from the estimates put upon him by most distinguished associates of his public labors.

His was the most ready and accurately discriminating mind in the Senate.

*John C. Calhoun.*

Not only were his opinions eminently sound and correct, but his political and moral courage exceeded that of his associates.

*Thomas H. Benton.*

I always distrusted the accuracy of my own conclusions when they differed from Senator Niles's.

*Silas Wright.*

Niles spoke as Franklin wrote.

*Martin Van Buren.*

His marked traits were good, practical common sense without pretension, unassumingly but honestly and fearlessly expressed.

*Gideon Welles.*[1]

It is a curious character study to note how each of these most distinguished men assigns Judge Niles to the front rank in the qualifications for which he was himself conspicuous.

The general fitness of such a man for judgment of the current events of his day had been especially trained for discriminating as to Mexican affairs. Not only as a journalist, a Senator, and a cabinet officer had the

[1] *History of Ancient Windsor*, Henry R. Stiles, Hartford, 1859, vol. ii., p. 725. Note by Gideon Welles is full authority for all statements herein as to Senator Niles.

details of public life been familiar to him, but, among other books and pamphlets he had published was Niles' *Civil Officer*, which for half a century was, and, with modern statute adaptations, still is, the authority for the Connecticut sheriff or magistrate, covering a branch of legal knowledge in which absolute accuracy must go hand in hand with appreciation of individual rights and the foundation principles of good government in their most practical and frequent applications.

Of more consequence to the present discussion, he had published a history of the Spanish American governments, including Mexico, with a short history of Texas, credited to his brother-in-law, L. T. Pease. What was his feeling and spirit of appreciation for these neighbors, let his own writings manifest.

After recording the Mexican revolution and constitution of 1824, he closes his history for the time in these words:

> It is no longer prophecy to say that the time is not far distant when there will be two great republics in North America, each uniting numerous subordinate republics, and possessing a vast population free and enlightened, enjoying

all the blessings of liberty and republican institutions. [1]

After Bustamente's rebellion had ended in a bloody dictatorship, he resumes:

After a contrast so unfavorable to the character of the Mexican people, if the reader finds himself compelled to surrender the hopes which he had cherished in their behalf, however painful he may find the sacrifice, let him be assured that it was no less painful to the historian, and that truth alone could have forced him to make it. [2]

And of the "presidency" in 1835 of Santa Anna, he adds:

Congress proceeded to abolish the constitution of 1824, abolishing at the same time all the state constitutions and state authorities.[3]

It is difficult to imagine a man more fit in 1848 to form a deliberate and intelligent judgment upon this subject, or more absolutely to be relied on for an honest and fearless one, than Senator Niles. In a speech upon the question of a reduction

[1] *History of South America and Mexico*, Hon. John M. Niles, Hartford, 1837, p. 191.

[2] *Ibid.*, p. 202.

[3] *Ibid.*, p. 205.

of forces in Mexico,[1] just a week after the Treaty of Guadalupe Hidalgo had been signed, and California and Texas ceded to the United States, he gave that opinion formally. He declared that he "had reluctantly voted for annexation":

> Not that I doubted the right so far as Mexico was concerned to receive Texas into this Union, but my difficulties arose from the form of the proceedings, from constitutional scruples, from apprehensions of trouble with Mexico, and an unwillingness to deliver up the whole of the country to slavery.
>
> We stand well in relation to this war before the world and have nothing to fear from the impartial judgment of posterity. It was just in its commencement, it has been prosecuted with signal success, and it now only remains that we bring it to its close in a manner equally consistent with our national rights and honor, and a just regard to the interests of humanity.

That the final settlement by which we retained Texas to the Rio Grande, California, and New Mexico, seemed just to Senator Niles, appears from his vote March 7, 1848, in favor of "the ten-regiment bill," which provided for equipment of a force to hold

[1] Senate, 30th Congress, February 9, 1848.

that territory; and from his speech of the preceding 9th of February, in which he regretted "reference to manifest destiny or Anglo-Saxon blood, as if we were to tread in the footsteps of our savage ancestors"; and opposed maintaining all the posts then occupied in Mexico, which would have taken all her territory. "Does the Military Committee desire to make an India of Mexico and send some Warren Hastings there whose financial abilities would be only second to his rapacity?" It was due to the influence of the comparatively temperate counsels and appeals of Senator Niles and such as he, that Mexican autonomy was not totally extinguished in 1848.

## CHAPTER II

### CHARACTER IS EVIDENCE

A READER should not need to be told that opinions, of any date and from however competent or unbiased judges, are not to be taken as by any means conclusive. History must be almost altogether a record of facts—national advance and, as Taine says, "the previous efforts of men" are facts. By no statement of opinion is it here purposed to enlist the sympathy or to bias the judgment; but to clear away in some degree the smoke of partisan-prompted volley-firing, and induce a fair consideration of facts, by having exhibited that opinions are not so altogether unanimous as to render examination of their foundations necessarily unprofitable or hopeless. It is to be remembered that the election of Polk probably exhibited that the majority of the people of the United

States favored the annexation of Texas. And afterward that people enthusiastically sustained the war.

If some patience is demanded of a reader and the tale seems long, of so comparatively brief an episode in the march of a nation's greatness, it must be remembered that in the field of Mexican affairs, for more than one generation nearly every new historian or biographer has searched for some new matter of indictment to give original bitterness to his charges; and it is a long process to answer even the most objectionable errors.

Moreover, the importance of the subject is not measurable by the lapse of years in our differences with Mexico; the question is of our honorable title to the largest territorial accession ever made by the nation, to an area exceeding even that of the Louisiana purchase.[1] And the defence of Uncle Sam will not ask for anything like the space or time which has been accorded to the prosecution.

Trial of fact before the great tribunal of public opinion must have much analogy to ancient trial by jury, a jury of peers of the accused, a jury of the vicinage. Whether

[1] For comparison of areas see *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 256,

the infringement of modern practice be for better or worse in requiring of a juryman almost entire ignorance of the parties as well as fairness of intention, it is unquestionably a departure from the earlier law and its intent. The insistence on a jury of one's peers and of the vicinage was deliberately designed to make it easy for triers to take into consideration the character of the parties—easy and intimate—because of their personal knowledge of their neighbors and associates. By statutes providing for the punishment of habitual criminals, by impeachment of witnesses on evidence solely of "general reputation as to truth and veracity," by increased penalties for repeated offences, and remarks of police judges:

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citing figures of John H. Ficklin, Acting Commissioner U. S. Land Office:

| | | |
|---|---|---|
| Area of Texas | 389,795 | sq. miles. |
| " ceded | 530,049 | " |
| Gadsden purchase | 29,964 | " |
| Total | 949,808 | |

| | | |
|---|---|---|
| Area taken by Louisiana purchase | 825,715 | sq. miles. |
| To balance | 124,093 | " |
| Total | 949,808 | |

"I have seen you here too often," it is obvious that modern trials do not fail to make character a weighty presumption.

It is not to be denied that in the determinations of public opinion general character goes far, and ought to go very far, toward making people incredulous of charges of baseness made against men of honorable repute. It would do no hurt to life in civilized lands, were slander and libel met with greater incredulity.

No apology is due, therefore, for some inquiry as to the character of the "wolf and the lamb," as the United States of America and the United States of Mexico, of the forties, are designated by the average historian and biographer in description of those times, and of the dissensions between the great Republic and that other alleged "sister republic." [1]

[1] Many writers follow Schouler, apparently with school-boy glee, in adapting the well-worn Æsop fable for application to our Mexican relations; although Schouler says in one place that Mexico was the lamb, and in another (*History of the United States*, James Schouler, Boston, 1889., vol. iv., p. 519) that she "was not the lamb dumb before her shearers."

## CHAPTER III

### THE WOLF

THE general character of the American people will receive short comment in this necessarily limited review. President Roosevelt is quoted for authority that western settlers were believers in that "manifest destiny," allusion to which Niles and Benton deprecated in the Senate.

But the piety of the controlling minds in these colonies gave lasting respect for good conduct and honorable dealing; and the institutions, governmental and educational, which they at once put in force, were not such as to cultivate greed, insolence, or bad fellowship. Since 1638 and the adoption in Connecticut of the first written constitution, manhood suffrage and representative democracy, to be followed soon and logically by practical religious independence, have

furnished the precedents on which progress in all humane and civilized governments has been guided; while, dating only from the National Constitution of 1787, our Government has maintained a normal outgrowth of its institutions long enough to have become the oldest of the civilized governments under one fundamental law.

Free institutions naturally lead, through appreciation of peoples, to kindly foreign relations.

When kings and nobles governed, their sympathies were with crowned heads; when the people were admitted to a share in the government (in 1832), England favored constitutional freedom in other states, and became the idol of every nation which cherished the same aspirations as herself.[1]

Limited as has been the share of her people in the government of England, and controllable as is the idolatry of her in other nations, there can be little question that May announces a correct principle, and that it was to have been anticipated that the foreign relations of the United States, how-

[1] *The Constitutional History of England*, Thomas Erskine May, C.B., Boston, 1863, vol. ii., p. 577.

ever informally conducted, should have been on the whole singularly peaceful and friendly —as has proved to be the fact.

It has frequently been sought to make an exception of Indian affairs, and with too much reason.

But for occasional occurrences on what was for a long time an almost inaccessible border, a central government cannot be held to severe responsibility, nor for the outbreaks of hostility of savages. There were failures necessarily in disciplining remote offenders, and mistakes in the appointments of agents who too often proved lax or corruptible.

High official action and policy, however, such as is properly classed as national, has been, even in Indian affairs, for the most part commendable.

It was a mistake, perhaps, to have recognized at all the tribal relations, and to have entered into treaty with native coteries which had not sufficient organization or cohesion to compel the observance of treaty stipulations by their own tribesmen or by trespassers from adjacent tribes.

But this mistake, if it were one, was made in the honorable attempt to acknowledge the rights of the ignorant and the vanquished;

and was in admirable contrast to the manner in which most of the territory of savages had been acquired by other civilized nations, from Palestine to Peru.

There was also the almost unique credit to be given to the Nation, to the States it embraced and to the colonies which created them, that they took the lands they occupied only by purchase from the aborigines or as the prize of defensive wars waged with no limit but annihilation.[1]

Nomads set no mere-stones, and keep no records of surveyed and definite boundaries. Misunderstandings were almost unavoidable as to land titles, even between the original parties to transactions of purchase and sale. This was especially true of Mexican grants, and produced many of the questions of boundary and rights of exploration which became

[1] "The settlers of New England had paid for their lands in every case except that of the Pequods."—*The Fall of New France: Essays Historical and Literary*, John Fiske, New York, 1902, vol. ii., p. 95. "It was the invariable custom of European settlers on the Atlantic coast to purchase the lands on which they settled, and the transaction was usually recorded in a deed to which the Sagamores set their marks."—John Fiske in *Atlantic Monthly* and *New France and New England*, pp. 237 and 238. See also various town records.

embarrassing later. There were also intertribal feuds, and irreconcilable claims antedating the coming of the white man to American shores.

If a Huron's father had hunted or fished in a region, he claimed that region as his hunting grounds, whatever other tribe might have possessed or sold it. If it brought a good price, he would be the surer to claim it.

And his first notice of an action of ejectment against settlers was quite likely to be the tomahawking and scalping of women and children, or at least the firing of barns and dwellings.

So that frequent border battles were unavoidable by the most peace-loving pilgrims.

It is difficult for the dweller in the ease of our modern opulence, with its especial dislike of sins of violence, to put himself in the place of a soldier on scout duty, or of a borderer of the wilderness.

It shows in the aggregate an exceptionally honorable people, that never has a native tribe been forced away from its *inhabited* possessions but after our government had been made to believe that it had by arson and murder, secret or avowed, made its neighborhood in the highest degree undesirable

if not impossible; and even then it was paid for its lands at what was regarded—perhaps by prejudiced appraisers—a reasonable valuation.

There have been many and just regrets that more friendly relations have not been uniformly maintained with our neighbors on the north of the great lakes and rivers. But when the ambitious character is considered of two enterprising populations, each having savage dependents, in juxtaposition across an imaginary line—the longest international boundary in the world, and in many places remote from either centre of control—there remains cause for congratulation and admiration of the mannerly respect for mutual rights manifested on either side of the line.

The history of American diplomacy is a record of just, frank, and friendly dealing with other powers to such extent that, to-day, the methods of Franklin are said to have become quite the fashion of the civilized nations, whose chiefs also now talk with each other by telegraph instead of by the mouths of ambitious functionaries.

The history of our foreign relations is of some five or ten years of war in a century and a quarter—three or four wars, the

humbling of Barbary and Chinese pirates, and a few Indian policing campaigns, as compared with, for instance, Great Britain's twenty-six wars, with rarely a peaceful year, during the single reign of Victoria.

Our position, among the nations, is recognized as one of friendliness to all men, with a strong penchant for minding our own business and desiring that others shall do the same, especially as to American republics.

The condemnation of the Mexican War, by our historians, is itself evidence of tenderer conscience than is common to ambitious peoples; and when Dr. Brady adds to the stock phrases: "spoliation of a weaker power" and "no truly patriotic citizen can think of it without a sense of shame," it is "the one serious blot on our national history," —or as one would say in a police court: "it is his first offence"—he strongly endorses the general good character of the wolf—that wolf which in international relations stands at the head of all stipulators for free highway over the seas and the rights of neutrals. First to extend (at Stony Point) the privileges of prisoners of war to a garrison taken by assault and in the night. First to give

universal amnesty to conquered rebels whatever their mistake. First in all advocacy of arbitration to take the place of war. And, in the very case in question, submitting to arbitration claims against Mexico for destruction or confiscation of the property of American merchants and the imprisonment and murder of American citizens.

## CHAPTER IV

### THE WOLF'S CUB

TEXAS was a legitimate child of the United States and one to be almost unqualifiedly proud of. She followed closely the parent traditions of peaceful settlement manfully defended. It has not seemed so to all historians. The Texans have been described as "hardy adventurers from our southwestern States, who, despite the fact that Mexico had abolished slavery, by presidential decree, took their slaves with them"[1]; although people of the characteristic colony settled under express guarantees of protection and disclaimed a spirit of adventure[2]; many settlers came from the

[1] *History of the United States*, James Ford Rhodes, New York, 1900, vol. i., pp. 70 and 88.

[2] Speech of Stephen F. Austin, Louisville, Ky., March 7, 1836. *History of South America and Mexico*,

Atlantic States, notably the famous scout, Deaf Smith, from New York, the diplomat Ashbel Smith and the Austins originally from Connecticut; and several of the leaders were from "the mouldering State of Virginia,"[1] as Schouler describes the State which he invaded with the 3d Mass.

The presidential decree abolishing slavery in Mexico was of doubtful validity.[2] It not only exceeded the powers of the President, but the Texans were at once notified that the order did not apply to Texas [3] (the only part of Mexico in which there were slaves).

They had taken their few slaves and family servants with them before the decree was

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J. M. Niles, Hartford, 1838, vol. ii., p. 270 and *infra* pp. 96–7.

[1] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 455.

[2] Niles, vol. i., p. 199.

[3] "On September 15, 1829, Guerrero, then the President or Dictator, published a decree abolishing slavery in the territory of the Mexican Republic, which was immediately ratified by the Congress then in session. The Texans protested against this decree, and, in consequence, the Department of Texas was exempted from its operation on December 2, 1829. . . . All the enactments regarding slavery were aimed at Texas, inasmuch as the only slavery in Mexico existed in Texas among the American colonists.—"*Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 33.

issued, and not only by the permission of the Mexican authorities, but by such a standing invitation incorporated in the organic law as conferred a bonus of eighty acres of land for each slave imported by the settlers.[1]

Another version of the origin of Texas is: "Mexico emancipated her slaves in 1827, but her northern province, Texas, refused to do so, and soon after revolted under the leadership of Sam Houston,"[2]—who did not lead until the revolution was complete, and indeed there was no revolution—but a strict defence of vested rights.

Goldwin Smith says: "Houston, an American filibuster, an old comrade of Jackson, with a body of intrusive Americans" [he went alone] "had planted himself in Texas, which belonged to the Republic of Mexico,"[3]

[1] *History of the Pacific States of North America*, Hubert Howe Bancroft, 34 vols., San Francisco, 1882–1890, vol. xvi., p. 60, citing White's *Colonial Laws*, vol. i., pp. 586 and 587.

[2] *History of the United States*, Henry William Elson, New York, 1904, pp. 496 and 497.

*Life of Henry Clay*, Carl Schurz, 2 vols., Boston, 1887, vol. ii., p. 87.

[3] *The United States*, Goldwin Smith, D.C.L., New York, 1893, p. 209.

—a nation which "was never a republic in the Saxon interpretation of the word,"[1] and against which Houston offered no violence until in a strictly defensive war he obeyed the orders of the only government of any sort in Texas, as the chosen commander of its army. Both these and other writers, notably Sumner,[2] make President Andrew Jackson a probable conspirator with Houston.[3] Professor Sumner, generally very outspoken, adopts the style of history by innuendo. "That Jackson did connive at an enterprise of Houston, his Florida companion-in-arms, for revolutionizing Texas" he is frank enough to say "cannot be established by proof, but is sustained by very strong inference." Sumner shows himself capable of that very strong inference. He acknowledges indebtedness to a "Dr. Mayo, a hanger-on in Washington, for a little book in which most of the Texan intrigue is laid bare." "Mayo was in the way of picking up certain

[1] *The United States*, Edwin Earle Sparks, New York, 1904, part ii., p. 130.

[2] *Andrew Jackson*, William Graham Sumner, Boston, 1882, p. 354.

[3] Rhodes quotes Schouler, vol. iv., p. 251, who quotes John Quincy Adams' opinion.

information, and more came to him by accident." Of course as Sumner concedes that there was no proof of even connivance, whatever that may be, at revolutionizing Texas, which, as the government of that country was in decadence, would have been in one sense eminently desirable and proper, "certain information" must be interpreted to mean "information of a certain sort." And that always means the reverse of information which is certain in the sense of trustworthy. And whether Dr. Mayo was "in the way of picking it up" through keyholes, or it "came to him by accident" over transoms, is not stated.

Sam Houston, as he always called himself, was not a temperate man in any position except in command of troops, where he assuredly kept his head and was never criticised for lack of prudence. It may be that such a picker-up of information as Dr. Mayo, was intimate with him, in his own opinion; or even may have heard some boastful speech of the old hero, who in fact had been a brave and reliable "companion in arms" of the President in his Florida campaign; but there is no probability that Houston was ever intimate with Mayo,

and Sumner's introduction does not tend to give weight to Mayo's testimony. The only evidence worthy of consideration, which indicates that Jackson lent aid to Texan independence is the fact that in a later administration many armed men, and a few organized military companies, went from the United States into Texas and joined the Texan forces after they were at war with savages. Any "strong inference" to be made from the ordering of General Gaines to the Sabine belongs to another chapter. That order, too, was eminently proper, by reason of conditions to be exhibited in their place.

Yet Sumner so vindictively pursues Jackson through three administrations as to charge that: "The Texan intrigue and the Mexican War were full of Jacksonian acts and principles. . . . The army and navy were corrupted by swagger and insubordination and by the anxiety of the officers to win popularity by the methods of which Jackson had set the example."[1] For this insult to the diplomatic, military, and naval service of the country, Sumner cites not a

[1] *Andrew Jackson*, Wm. Graham Sumner, Boston, 1882, pp. 358–9.

single authority, and gives but a single instance—that which he stigmatizes as "Commodore Porter's outrage at Foxardo, Porto Rico, for which he was *cashiered in 1824*," a generation before the Mexican War.

David Porter was suspended from command six months for having resented, the government thought too hotly, an insult to his flag.

The one irresistible answer to any attack upon either American war service is the record of the campaigns of Scott and Taylor and Kearney and their Naval supports; but words also confront Sumner of the highest authorities. "A more efficient army for its number and armament I do not believe ever fought a battle than the one commanded by General Taylor in his first two engagements on Mexican (or Texan) soil."[1]

"Rarely if ever was there a better disciplined or a more thoroughly instructed little army than the one commanded by General Taylor."[2]

[1] *Personal Memoirs of U. S. Grant*, New York, 1895, vol. i., p. 44, note.

[2] *History of the Mexican War*, General Cadmus M. Wilcox, Washington, 1892, p. 34.

It should be remembered that the first railroads were built during Jackson's administration, and that the telegraph was not made practicable by the Morse invention until 1844, so that no foreign enlistment act, however strict, could have been enforced in territorial dimensions such as were those of the United States, and upon a people whose sympathies and passions were greatly roused. Before an order from Washington could reach their neighborhood volunteers would be across the border. Yet from this period there began the pursuance of what Ladd, with philosophic discrimination, characterizes as a "double policy."[1] The endeavor was made to conciliate Northern anti-slavery elements by soft words to Mexico, while urging a purchase of a portion of her territory and claims of indemnity for breaches of international obligation, which had Southern approval.

Anything like inconsistency and double policy has always an undignified look, and for so much the domestic politics of the day are open to criticism. It does not follow therefrom that there was any ground for

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 35.

complaint, to adopt Judge Niles's language, "so far as Mexico was concerned."

Discrimination between an unwise foreign policy and an unjust one was something of which few other than Niles seem to have been capable amid the passions of his day; but it is surely time for historians to recognize that what might be inconvenient for the republic might not necessarily be a crime against its neighbor, and that an undignified trimming to political breezes at home gave no proof that the batteries of the ship of state were being trained on an innocent adversary abroad.[1]

It is sad that one so capable of historic discrimination as to have pointed out the "double policy" of administrations should fall into so gross error as does Mr. Ladd in his estimate of Texan character. Condemning the war as a pro-slavery measure, he justly records that "such tragedies as those of Goliad and the Alamo gave to Mexican character a most hateful reputation in the United States; but" (he con-

[1] "The right of the war was altogether a different thing from the expediency of it."—*Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 444.

cludes) "there was little difference in this respect between the rough, border Texans of those days and their Mexican neighbors." [1]

For this censure on the early Texans, Mr. Ladd quotes not a line of authority, nor points out a single instance of Texan breach of rules of honorable warfare. Indeed, he cites no authorities for any of his statements. And the fairly careful reader of any of the accounts of border warfare in Texas would be tempted to denounce the author of such a slur, as either unpardonably ignorant of the matter, or incapable of discerning more than a "little difference" between paroling prisoners of war and murdering them, and giving to slaughter and ravage women and children.

But there has been some natural confusion as to the character of Texan settlements. In the efforts made by Spain to establish her right to a northerly boundary on the Sabine or the Mississippi, early colonies were planted between the Rio Grande and the Sabine, and the district called New Philippines, most of the settlers being from the

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 34.

Philippine Islands.[1] These were failures, and their total population had shrunk to about four thousand.[2] General Grant says that in Taylor's march to the Rio Grande: "No inhabitants were found until about thirty miles from San Antonio; some were living under ground for fear of the Indians."[3] At San Antonio, in 1813, out of two thousand five hundred Americans and Texans all but about one hundred were slain and seven hundred peaceable inhabitants murdered. Yoakum places a thousand pirates on Galveston Island as early as 1817. There seems to be no denial that Lafitte had some of his men in Jackson's lines at New Orleans, whether from Galveston or Barataria.

There had been some strength added to filibustering expeditions by these island pirates. General Mina, son of the distinguished leader General Mina of the Constitutional Cause in Spain, was joined by Aury

[1] Note, *Report of Com. of Investigation*, sent by Mexican Government, New York, 1875, p. 318.

[2] The total population of Texas in 1834 by the official report of Col. Juan Almonte to the Mexican Government was 21,000 whites and 15,300 Indians, although, according to Williams, "this estimate of the Indian population was the sheerest guesswork."

[3] *Memoirs of U. S. Grant*, vol. i., p. 48.

and reinforced the "Independents" in the splendid but disastrous attempt to displace the Mexican Dictator Teran in 1816. This was more nearly foundation for a charge against the United States of favoring filibusters than any later event. Mina "obtained some officers and additional muskets and some pecuniary aid from Baltimore and New Orleans," but as the occurrence was under Madison, President, and Monroe, Secretary, it has not been made prominent in the impeachment of Texas.

There had been similar unsuccessful little expeditions into Texas. These had no permanent effect on Texas any more than did the piratical establishments at Barataria upon Louisiana. Nor was the settlement at Nacogdoches of any influence in the eventual formation of Texan character, unless in inspiring the Spanish residents with love of liberty.

Early boundary disputes had given to a tract of land east of the Sabine near Natchitoches, in Louisiana, the title "the neutral ground." After the treaty of 1819 (which made the Sabine the boundary) this tract was subject to the United States. Neither the United States, Spain, nor Mexico had exer-

cised anything like a decent jurisdiction over it; and it had been a resort of ruined desperadoes, escaped convicts and fugitives from justice—perhaps most of them from the United States, as Mexico furnished other places for such riff-raff, often places of official distinction. After 1819 the territory was soon reduced to reasonable order. Localities which are not subject to liberal extradition laws and practice are very liable to abuse of hospitality; and "Gone to Texas" at a very early date acquired as uncomplimentary construction as was afterward coupled with "Gone to Canada," a phrase which has never been advanced as a serious impeachment of Canadian character.

Disputes over land titles, always rife under Spanish or Mexican grants—for failure of title meant reversion to the crown, or, worse, to the crown's vice-regents[1]—culminated in the "Fredonian war," in which "the outlaws" under Hayden Edwards were easily suppressed, the colonists under Austin taking part with the Mexican authorities such as they were. The only important event was the sparing from slaughter of prisoners of

[1] Niles, vol. i., p. 65.

war—on Austin's insistence. This was an innovation.[1]

Refugees from justice or "intrusive Americans" had no association with Houston and probably furnished no greater proportion of population to Texas than convicts to early Virginia or Australia, or perhaps even to New England; and they had no share in Texan government until after the population of Nacogdoches had been greatly modified in its quality by later settlements, when that locality was represented in Texan legislatures and conventions.

There was, however, a later and unique class of adventurers who came to Texas not as settlers, and who made a lasting impress on her destinies, although their lives there were mostly short and their descendants few.

After it became apparent that the infant settlements of the Brazos were to be set in battle against pitiless Mexican and Indian hordes, there joined the Texan standards a few hundred recruits from many parts of

[1] "At the instance of Austin the Mexicans released the few prisoners taken, doing them no harm—the one case of such clemency on record."—*The Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 35.

the United States, friends and relatives of, or sympathizers with, the imperilled colonists. The larger part of these were probably of slaveholding proclivities, though they brought no slaves with them. The eagerness of their muster and the supreme devotion with which they laid down their lives mark the inspiration of a noble motive, and enforce the belief that political or economic impulses were less their passion than love of kindred and joy of battle for unpolluted homes. Joy of battle simply may have been the motive of some of them. There is a *gaudium certaminis*. Yet the rudest of these recruits was much like the knight-errant of mediæval guests. The coonskin cap had replaced the helmet; an eagle feather, the golden dragon or other armorial crest; lance and shield had given place to the deadlier armament of hunting-knife and rifle.

Others were in the uniform of hastily improvised military companies. They had their code of honor, no less obligatory than that of Malta or the Temple, and no less commendable. Whatever other laxities were permissible, lying and cowardice were not. What they reported is true as they saw it.

Their skill and valor made them as formid-

able opponents as the world had seen. They were less venal than many of the earlier knights and soldiers of fortune. Their services were not sold but freely given.

Among the volunteers from the United States in the Texan service, the names stand conspicuous of Colonel James Bowie and Colonel David Crockett, author, hunter, Congressman, whose diatribes against Jackson were more violent and wittier than any modern historian's. Few novels of frontier life at that period went to a second edition which were not virtually based on their biographies; and the boys who hid Crockett or Mayne Reid in hayricks for unobserved reading, got truer impressions of Texas than those now brought up strictly on school histories. All truth can be misrepresented or distorted in the telling, but some truths it is not within the power of human speech to exaggerate or even to adequately portray.

William Barrett Travis gave up his law practice in North Carolina (or Alabama) to win eternal fame as the commander in the unparalleled defence of the Alamo.

Samuel Houston from an Indian wigwam had risen to a command in the Florida war, and to an Indian agency honorably and

humanely administered. He had won the confidence of settlers and Indians alike; and if Jackson influenced at all Houston's determination to join the Texan settlers, it was greatly to his credit to have induced the presence on a doubly imperilled frontier of that man who in his day stood first in ability to conciliate the elements of border discord. It was from the great unsurveyed wilderness beyond the Red River that raids on our own settlers were to be anticipated.

After war between Texas and Mexico broke out Houston was made commander of the eastern army of Texas, next commander-in-chief, then first president of Texas, and later United States senator.[1]

One "volunteer" resigned his rank in the United States army to cast in his lot with the Texans, Albert Sidney Johnston, of Connecticut ancestry, of whom General John B. Gordon says: "In him more than in any other man at that period when he was killed at Shiloh were centred the hopes of the Southern people."[2] General Grant, who

[1] *Sam Houston and the War of Independence in Texas*, Alfred M. Williams, Boston, 1893.

[2] *Reminiscences of the Civil War*, General John B. Gordon, C.S.A., New York, 1895, p. 125.

was his adversary at Shiloh, says of him: "His contemporaries at West Point and officers generally who came to know him later . . . expected him to prove the most formidable man to meet the Confederacy would produce."

He proved to be "undecided and vacillating," in chief command . . . but "was a man who would not abandon what he deemed an important trust in the face of danger, and continued in the saddle commanding until so exhausted by the loss of blood that he had to be taken from his horse and soon after died. . . . He was a man of high character and ability." [1]

Other volunteers capable for council no less than war were the Virginia Whartons, one President of the Council, the other Secretary of the Navy; Thomas J. Rusk of South Carolina, Secretary of War, Commander of the Texan army, Chief Justice and United States Senator; David G. Burnet of New Jersey, Provisional President; Doctor Branch T. Archer of Virginia, President of the Committee of Public Safety; Thomas J. Chambers, first Chief Justice of the mis-

[1] *Personal Memoirs*, U. S. Grant, New York, 1895, vol. i., p. 297.

joined provinces of Coahuila and Texas; Henry Smith of Kentucky, first Provisional Governor and the Secretary of the Treasury under Houston when the wonderful restoration was made of Texan finance.

These volunteers gave much to Texan tradition. They "had nobly come to the aid of their brethren in this unequal contest,"[1] and had helped them in civic formation as well as in line of battle. But there were few of them who survived the first onset of the thousands of Mexico.

If the impression they made on Texan character was mainly ideal, it was because their remnant was of very few, and because the character of the Texas people had a fixed and durable existence before the volunteers came to save it from destruction.

"The real root and foundation of the prosperity and growth of Texas was in the colony of Stephen F. Austin on the Brazos.[2] The character of the Austins, for whom the capital of the State of Texas was

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1837, vol. i., p. 209.

[2] *Sam Houston and the War of Independence in Texas*, Alfred M. Williams, Boston, 1893, p. 58.

named, gave much to the character of Texas.[1]

Moses Austin was the founder of this colony, which was brought to a state of prosperity by his son. Moses Austin was born in Durham, Connecticut, in 1764. He married Maria Brown of Philadelphia, established a commercial business in Richmond, Virginia, and with his brother Stephen, who was at the head of a large export house in Philadelphia, set up smelting works on New River, Wythe County, Virginia, opening lead mines and manufacturing shot and sheet lead. Meeting with reverses from adventurous speculation (this was the first venture of the sort in the United States), he took a grant from the Governor General of Louisiana of a league of land at Potosi, moved there with his family and founded Washington County, Missouri. He became a large stockholder in the Bank of St. Louis, and on its ruin in 1818 surrendered the whole of his property to the bank's creditors. In his 55th year he attempted a large colony in Texas. He went to Antonio de Bexar with his

[1] "It was the Austins who gave character to the Texan settlements."—*History of South America and Mexico*, John M. Niles, Hartford, 1838, vol. i., pp. 254–93.

petition and was referred to the Commandant General. He went to Mexico for an answer, and on his return journey through 1200 miles of wilderness died of privation, June 10, 1821, leaving to his son who was already with him, an injunction to continue his work. Such was the pioneer in the founding of Texas.

The son, Stephen Fuller Austin, whom Houston called "the father of Texas," and Pease, "the father of the colony,"[1] also, as Brady says,[2] "literally gave his life for his country." . . . "A pure and unselfish patriot, a devoted and disinterested public servant, a prudent and far-seeing statesman, a cultivated, high-minded gentleman and a kindly and generous philanthropist"; to which it may be added that he was a capable general of a Texan army, from the command of which he was relieved to act as special commissioner to the United States, and as such exhibited the highest qualifications as a diplomat and an orator.[3] He

[1] *History of South America and Mexico*, John M. Niles, with account of Texan Revolution and War by L. T. Pease, Hartford, 1837, p. 361.

[2] *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1908, p. 138.

[3] Speech at Louisville, March 7, 1836, Niles, pp. 269 and 279.

"He may have been at times too sensible of colonial

was born in Austinville, Wythe County, Virginia, in 1793. In 1804 he was a pupil in the academy of Colchester, Connecticut, in 1805 in the near-by academy in New London. At the age of fifteen he was in the Transylvania University, Kentucky, and at twenty was a member of the Kentucky Legislature. In 1819 he went to Little Rock, Arkansas, where he was made Circuit Judge. Upon his father's death in 1821, observant of a dying wish, he took up the task of pressing the petition to the Spanish government for a land grant. This he obtained from the Supreme Government of the East Internal Province. He was to settle three hundred families, each settler to be entitled to 640 acres, plus 320 acres if he had a wife, plus 100 acres for each child, and 80 acres for each slave.[1]

With a special commissioner of the province

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obligations to Mexico, but to him belongs the great honor of giving the revolution clear moral defensibility."—*Texas, a Contest of Civilizations*, George Pierce Garrison, Boston, 1905, p. 183.

[1] *History of the Pacific States of North America*, Hubert Howe Bancroft, 34 vols., San Francisco, 1882–1890, vol. xvi., p. 61, citing White's *Colonial Laws*, i., 586–7.

and seventeen companions he proceeded to Antonio de Bexar, then to Bahia, and explored up the rivers Brazos and Colorado (of Texas), where was an uninhabited wilderness. Then he went to Louisiana and advertised for land-purchasers. Meantime Mexico started on its series of revolutions; Austin was compelled to obtain renewal of his grant from the dictator Iturbide, then from the republic, then from another dictator. He paused from his colonizing work long enough to make an apparently successful attempt to give solidity to the Mexican government.

In 1823 he delivered a "*projet* of a constitution for the Republic of Mexico to his friend Ramos Arizpe who, as chairman of the Committee on the Constitution, reported the Constitution of 1824, as adopted . . . which seems to have been but the elaboration of Austin's."[1] This was the constitution which gave to Niles his generous hopes for the future of the Mexican republic,[2] and but for the criminal perversity of her leaders Stephen Fuller Austin might have been the

[1] *Bibliography of Texas*, C. W. Raines, of Texas Historical Society, 1896, p. 14.

[2] *Supra*, p. 26.

father of Mexico in only a more limited sense than he was the father of Texas.

With apparently stronger guaranties of constitutional government, Austin got a great increase of promised privileges.[1]

Under the revised grants, to each settler with his family was to be allotted about 4605 acres. An excellent agricultural and grazing colony was soon established. That the colonists held a few slaves was a blemish on their institutions, but it was not an indelible stain on their lives and characters. The ownership of man is revolting to humane ideals. Practically there was much to excuse the settlers. No family in whatever need could obtain a cook or a stable boy or a nurse except by purchase. The home missionaries of our southwestern borders, as late as in the fifties, considered themselves compelled "to take their slaves with them"; and were well rated for it by Rev. Dr. Leonard Bacon.[2]

Practically too, and except in name,

[1] For special guaranties see speech at Louisville, March 7, 1836, Niles, i., p. 271.

[2] Records of convention of society at Hartford. I remember no reference, but have a distinct personal recollection of the debate.—C. H. O.

such slavery as ever subsisted in the Brazos colony was for the slaves an enviable lot compared with the peonage system which subsisted in Mexico. The ownership which shocks our ideals has as one effect a strong incentive to humane treatment to the chattel. Brutality to slave, or horse, carries penalty to an owner in loss of service. Something akin to old age service pension was also an almost invariable adjunct of slavery. Hardly a plantation was without its decrepit old "mammies and uncles," who by the unwritten law of "the families" were entitled to draw rations and equipments. It is shame enough that under the law there could be exceptions—or that there could be slavery at all—but there never was under slavery so bad a condition of the poor as under the peonage of Mexico.[1]

David A. Wells quotes from the report of Consul General Strother to the State Department, December, 1885, "The scale of living of the laboring classes is decidedly inferior in comfort and neatness to that of the negroes of the Southern States where is

[1] Niles, pp. 73, 74, 75. *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. ii., pp., 112, 113, 122.

slavery"[1]; and adds that "land-owners will not employ a laborer unless sold with a debt which he never can pay," and which he is compelled to work out hopelessly so long as capable—cast loose and left to starve or steal when decrepitude comes upon him.[2]

At this age of the world no defence of slavery is possible or could be desired. Its warmest apologists have long since come to rejoice at its elimination from our problems. But when it is sought to cast shame upon the nation because it waged a war or furnished colonists whereby, as a collateral effect, the slavery it soon abolished seemed likely to be extended, it is well to remember that even slavery extension would have stood to the credit side of accounts with progress of humanity in that it went *pari passu* with the displacement of peonage.[3]

The laborers on the haciendas

are many of them slaves—slaves to all intents and purposes, although they may enjoy a nominal liberty. A large proportion of them, prob-

[1] *A Study of Mexico*, David A. Wells, New York, 1887, p. 95.

[2] *Ibid.*, pp. 27, 28–29.

[3] "If any individual in Texas owes but twenty-five cents, the creditor, by application to the alcade, can

ably, are in some way indebted to the proprietor, the law giving him a lien upon their services until such debts are paid; but most especial good care does he take that they never pay him so long as their services are in any way profitable. They are in his debt and are kept so until age or infirmity renders their labor unproductive; then the obligation is cancelled, and they are cast upon the world to beg, steal, or starve as best they may.

Should some one of the peons, more active, ambitious or enterprising than his fellows, chance to accumulate enough money to pay his debt and regain his liberty, how then? He offers his master the price of his redemption, but the latter, upon some flimsy pretext, refuses to take it—he has not yet done with the services of the vigorous servant. He bribes his creature the alcade, who "shuts his eyes to justice, opens his hand to the longer purse of the proprietor, and the unfortunate serf is once more driven to bondage.[1]

The rude adobe hovels of the common laborers

have him, with his family, decreed to his service, and remain in that state of slavery until he is able to pay the debt from the wages accruing from his labor after being compelled to subsist his dependent family."—*Houston to Santa Anna*, March 21, 1842. *History of Texas*, H. Yoakum, New York, 1856, vol. ii., p. 556.

[1] *Narrative of the Texan Santa Fé Expedition*, George William Kendall, 2 vols., New York, 1844, vol. ii., p. 113.

built of dried mud], frequently have but one room, in which the whole family, father and mother, brothers and sisters, sons-in-law and daughters-in-law, huddle together upon one common earthen floor.[1]

The two or three hundred inhabitants of San Sebastian do not more than half live. Their little huts are built of small stones and mud, without doors or windows; they have neither chairs nor beds, nor in fact furniture of any kind—in fine, are infinitely worse off than Choctaw or Cherokee Indians, not only as regards clothing and food, but habitations and all the necessaries of life.[2]

A mortgage on a man may be worse for him than ownership in fee.

But slavery had little influence on the Texan colony; there was little of it. It was on their own hands and heads that the settlers must rely. To the south and west of them was the "lamb" of which more in another chapter. Along the gulf were the Carancachua Indians, whose attacks were repulsed only by early and desperate war; the pirates of Aury and Lafitte, and later the Spanish ships. To the west and north

[1] *Narrative of the Texan Santa Fé Expedition*, vol. ii., 112–113.

[2] *Ibid.*, vol. ii., 122.

and all about them the Apaches, the Comanches, the Pawnees, the Caddos and the Lipans.

They formed an orderly, industrious agricultural community, almost altogether self-governing; for the nearest Mexican authority was five hundred miles away across the great river and an intervening wilderness, at Saltillo in Coahuila, where they were allowed two representatives; and their local self-government was guaranteed to them under a republican constitution which was a condition precedent and a part of their contract of settlement. Convicts and refugees from justice were excluded from the colony. Doors were without locks. A few English, Irish, and Germans, descendants of Pilgrim fathers, Hollanders, Virginia cavaliers, South Carolina Huguenots, hunters from Kentucky and Tennessee met in friendship in Texas.

Contrary to her plighted faith, Mexico gave them no protection.[1] They defended their

[1] What were Mexico's guaranties to the colonists and what her failure absolute, see speech of Stephen F. Austin, Louisville, March 7, 1836, Niles, pp. 269–279. "A country we have redeemed from the wilderness and conquered without any aid or protection from the Mexican government."

lives and property by their own valor against the wild beasts and the wilder savages. They supplied their larders from their own acres and from the spoils of the hunt. The necessities of their lives were the plough and the rifle. The one gave them their bread, the other their meat and the safety of their habitations. Two essentials of existence,—the plough and the rifle; but especially the rifle. How and why it was attempted to take away from them the rifle, and what was the result, is part of a later record.

# CHAPTER V

## THE LAMB

WHEN a papal bull divided the spoil of the heathen between Spain and Portugal, by an imaginary line about one hundred miles west of the Azores, it furnished some data for the solution of such an enigma as is the contrast between the many grave, witty, chivalrous gentlemen of Spain (or the devoted padres of occasional Mexican missions), and the unrivalled Spanish oppressors and ravishers of feebler races.

It is a startling anomaly that the native land of Murillo and Cervantes and Velasquez, which gave to the world the Cid and the caravels of Columbus, should have exceeded all others in the terrors of the Inquisition, and made her colonies the crucibles of her gold.[1] The anomaly is less startling when

[1] *History of South America and Mexico.*, John M. Niles, Hartford, 1838, vol. i., p. 70.

it is realized that all beyond that meridian came to be looked upon as but a mine to be worked for the wealth of the owners; and that all means were justified for subduing whoever doubted that a chosen people had been given "the heathen for an inheritance."

The cruel conquests of Cortez and his mailed cohorts have been made familiar by the vivid pages of Prescott and General Lew Wallace.

For the sequel, the development of mixed races in Mexico, the tyrannies of commandants and governors, there is testimony enough from Niles and Abbot.

The comparatively civilized race of the Montezumas was virtually annihilated.[1] Abbot estimates that three millions of them were massacred by the Spaniards. Worse followed worse for generations after Cortez. As late as 1775 the condition of the country was estimated as worse than under Cortez.

While, for Spanish American possessions, loot was law, and robbery of Aztecs and Incas constituted the fabulous wealth which the galleons or the *flota* bore into Seville or Cadiz, civilized nations applauded and long

[1] *Essai Politique*, Von Humboldt, vol., i., p. 117. *Mexico in Transition*, William Butler, New York, 1892, p. 36.

continued to abet the policy. Lamartine cynically half approved the doctrine, "America belongs to Europe."

There was little difference in the policy of the two nations (Spain and Britain) relative to their colonial possessions in America.

Both regarded their colonies as subordinate to the parent state, and attempted to render them contributory to its interest and prosperity.

This policy seems to grow out of the relations which subsist between colonies and their mother country; as the original object in planting them, since the sixteenth century, has been to benefit the colonizing country, to drain off a surplus or dangerous population, to draw a direct tribute from them, under some form of taxation, or for the interests of commerce.[1]

The British colonial system was vague and tended to either the establishment of absolute power in the home administration in all cases whatsoever, or independence of the colony. Happily for the world the Americans secured the latter.[2] But in the Spanish colonies, the governors or deputy

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1838, p. 70.

[2] *Ibid.*, p. 69.

sovereigns being responsible only to the crown (neither the Spanish nation nor the colony having any voice in affairs), the colonial governments became worse despotisms than Russia or Turkey and more dangerous, the deputies being held to no responsibility save for ample and immediate revenue to the king, and his favorites—including themselves.[1]

"In the grants of the country, made to the first adventurers, the Spanish monarchs reserved one fifth of the gold and silver that might be obtained."[2]

Indians were distributed with the lands as serfs and slaves; "under accumulated burdens and hardships, to which they were subjected by unfeeling and rapacious masters, their native spirit was broken, they became humbled and degraded, and the race was rapidly wasting away."

The decree of Charles V., 1542, abolishing the *repartimientos* and all rights to hold slaves only changed the Indians' condition to that of vassals to the crown, under hopeless conditions of tax debts payable in personal service, which, with fees of the

[1] *History of South America and Mexico*, p. 66.
[2] *Ibid.*, p. 70.

clergy, made the measure intended for the protection of the natives a fertile cause of increasing their miseries.[1]

Later measures, especially under the ministry of Count Galvez, relieved much of their oppression in the eighteenth century, but "no other situations were open to them but those of common laborers or artisans."[2]

The average Mexican official came to be a mixture of the cruellest Spanish blood and the worst Indian. The character of the race was reflected in, as well as moulded by, a religion in which Jesuitry had been embellished by the rites of the savage, and the Inquisition by the blood sacrifices of the Aztec.

The population was brutal and priest-ridden. Poor as were the national finances, the churches at one time held about $300,000,000 exempt. The annual income of the archbishop of Mexico was $121,875.

During centuries of oppression and misrule the Mexican people were harried by taxation and confiscation, bled by greed and cruelty. There were revolts and suppressions of revolts, raids and reprisals. The one rule

[1] *History of South America and Mexico*, p. 74.
[2] *Ibid.*, p. 75.

of war was *Vae victis*. The red flag floated over conquered cities or provinces, in streets or chaparal. The battle hymn was "Deguilo!" (Cut throat!). "No quarter!" was the custom of the country, unless an unwary foe could be deceived by false promises of parole.

A few and comparatively recent examples only need be cited of what cannot be made other than hideous reading.

After the battle of January 17, 1814, at Pascuaro,

> Matamoros, Morelos' lieutenant, a very active and brave officer, and seven hundred men were made prisoners. Morelos [the general of the independents] made every effort to save Matamoros, and offered to exchange for him and his staff five hundred Spaniards which Matamoros had himself taken a short time before. But the bloodthirsty royalist general, Llano, declined this offer and immediately ordered Matamoros and the seven hundred prisoners shot; which he must have known would expose the lives of the Spanish prisoners, . . . whom Morelos by way of retaliation put to death.[1]

This same General Morelos was captured by the royalists in 1815. It is to the credit

[1] *History of South America and Mexico*, pp. 148–9.

of the Congress at Tehuacan that it sent a despatch imploring Calleja "to save this valuable life, which he did not condescend to answer"; and "Morelos was shot in the back as a traitor."[1]

General Mina, the filibuster (?) (see page 52, *supra*), was defeated in his expedition after effecting a junction with the independent forces at Sombrero, and captured at Venadito, September 27, 1817, conducted to the head-quarters of Linan commanding the royal forces before Remedios, where he was condemned and shot November 11, 1817; for which the Spanish government conferred titles and distinctions.[2]

The royalists prosecuted the siege of Remedios. Torres, the independent leader after the loss of Mina,

finding his ammunition failing, evacuated the place on the night of Jan. 1, 1818. The evacuation was so unskilfully conducted that nearly all of the garrison were killed or made prisoners; and the inhabitants of the town, of all ages and both sexes, unarmed and unprotected, were involved in one common ruin, and nearly all massacred.[3]

[1] *History of South America and Mexico*, 150–2.

[2] *Ibid.*, 152–3.

[3] *Ibid.*, 153.

Nearly the same had been done at Quautla, with what malice prepense may be judged by the written words of the royalist captor Calleja, seventy-five days before the surrender, "We will precipitate this town and its inhabitants into the centre of hell."[1]

No country is without its men and women of courage and devotion, though Mexico by reprisals and butchery came to be well-nigh depopulated of them. After long defeat and disappointment the independents succeeded in throwing off the yoke of foreign domination, and by the treaty of Cordova, August 20, 1821, between Iturbide and Señor O'Donoju, lieutenant-general of the armies of Spain, the independence of New Spain was recognized and a constitutional monarchy was to be established; but supreme authority was seized by Iturbide.[2] He dissolved Congress, declared himself emperor and ordered a new junta of "two members from each of the larger provinces and one from the smaller, '*all of whom I will nominate.*' "

In 1822, Iturbide's army, raised to support "the plan of Iguala," was called "the army of the three guarantees"—to preserve the

[1] *History of South America and Mexico*, 146.
[2] *Ibid.*, pp. 162–173.

holy, apostolic Catholic religion, the independence of Mexico, and the union of Spaniards and Mexicans, to wit, the abolition of caste.[1]

After the overthrow of the royal government by Iturbide, and the treaty with O'Donoju on the basis of the plan of Iguala, Spain, although obstinately refusing to acknowledge the independence of Mexico, made no effort to regain her authority over it until the expedition from Havana, July 5, 1829, of General Barradas with 4500 men, one seventy-four-gun ship, two frigates and several corvettes, brigs, and transports.[2] All the important acts passed by the General Congress during their session of 1826—and among them was one abolishing forever all titles of nobility in Mexico—had been peaceably carried into execution.

The Congress of the United States, in spite of the protests of Spain, formally recognized the independence of Mexico and commissioned Mr. Poinsett minister resident.

The prompt recognition of the independence of Mexico, when peace had been signed

[1] *History of South America and Mexico*, p. 160.
[2] *Ibid.*, p. 198.

on the part of Spain only by General O'Donoju in the field, became afterwards a precedent against Mexico in the longer delayed, and far more logical, recognition of Texas.

Iturbide, usurper and tyrant, was succeeded by Victoria, president under the Constitution of 1824, and the Congress promised for a while much progress in liberal government. The Spanish residents were banished unlawfully, though many evaded the order. There were two or three revolts and executions; but Victoria held his office until the expiration of his term, when Pedraza was elected his successor.

General Antonio Lopez de Santa Anna, however, with his and other regiments which joined him under pretence of driving out the Spaniards, supported the claim of General Guerrero and, after brutal war in the streets of the capitol, established him in the presidency. Guerrero, notwithstanding the violence of his accession, gave himself to securing the peace of the country, and received extraordinary powers from the Congress to forward the forcible expulsion of the army of 4500 Spaniards under Barradas.

After compelling the capitulation of the Spaniards, although Santa Anna was in command as Secretary of War, humane terms of surrender were given and observed. Slavery was abolished, or rather an order to that effect was proclaimed. Then Guerrero surrendered his temporary powers as dictator—it was at first supposed voluntarily, but later proved to have been to avoid compulsion from the Vice-President, Bustamente, who was now in his turn supported by Santa Anna, became dictator, issued a decree declaring Guerrero an outlaw, organized a military tribunal to try him, had him tried, sentenced, and shot.

Sustained by the aristocracy and clergy, who from the first had been alarmed at the probable influence of republican institutions upon their own privileges, and supported by a military force . . . he proceeded to establish a perfect despotism in the country, disregarding every constitutional or legal restraint. . . . The national Congress . . . became the passive instrument of his will. His order alone was sufficient warrant for any act of oppression or cruelty; his military satraps soon learned to imitate the example of their chief, and completed the resemblance between the gov-

ernment of Mexico and that of a band of robbers.[1]

Santa Anna now played the rôle of defender of the constitution, and headed an insurrection of the army, which deposed his late fellow-conspirator, Bustamente; "recalled Pedraza, whom he had deposed four years before, and whose time was now about to expire; withdrew to his hacienda, and waited the movement of the people in his favor."[2]

His pose of Cincinnatus was as effective as he could have hoped, and he was unanimously chosen President in 1833. His treachery to every ally had assumed the guise of fidelity to constitutional liberty. To that he was to prove himself to be a yet more arrant traitor.

He dissolved the council, overawed the suffrages of the people, and in his first message, January, 1835, very plainly intimated his opinion that the people of Mexico were "unworthy of a free government; and, as the Congress had been chosen for no other

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1838, p. 201.

[2] *Ibid.*, p. 206.

purpose than to reflect his opinions, it proceeded to abolish the constitution of 1824, abolishing at the same time all the state constitutions and state authorities." The states all submitted—with a single exception. Zacatecas had furnished Mexico's best troops. No part of Mexico had made equal sacrifices for the common cause against Spain. Santa Anna was principally indebted to the Zacatecans (and the Texans) for his own success against Bustamente. He knew well the people he had to encounter, and the spirit which would animate the five thousand state militia, which near the city of Zacatecas prepared to resist his tyranny. He was to surpass Bustamente in barbarity and treachery. "He was utterly unscrupulous and treacherous and betrayed every party and every ally that put trust in him; vindictive and cruel even beyond the barbarous habits of Mexican warfare, and never spared a defeated enemy."[1] The only exceptions were when he was under restraint of Guerrero, of Austin, or, as at Meir, of the American and the British consuls. At Zacatecas "he prepared to accomplish by the basest treachery what he feared to attempt in a fair contest."

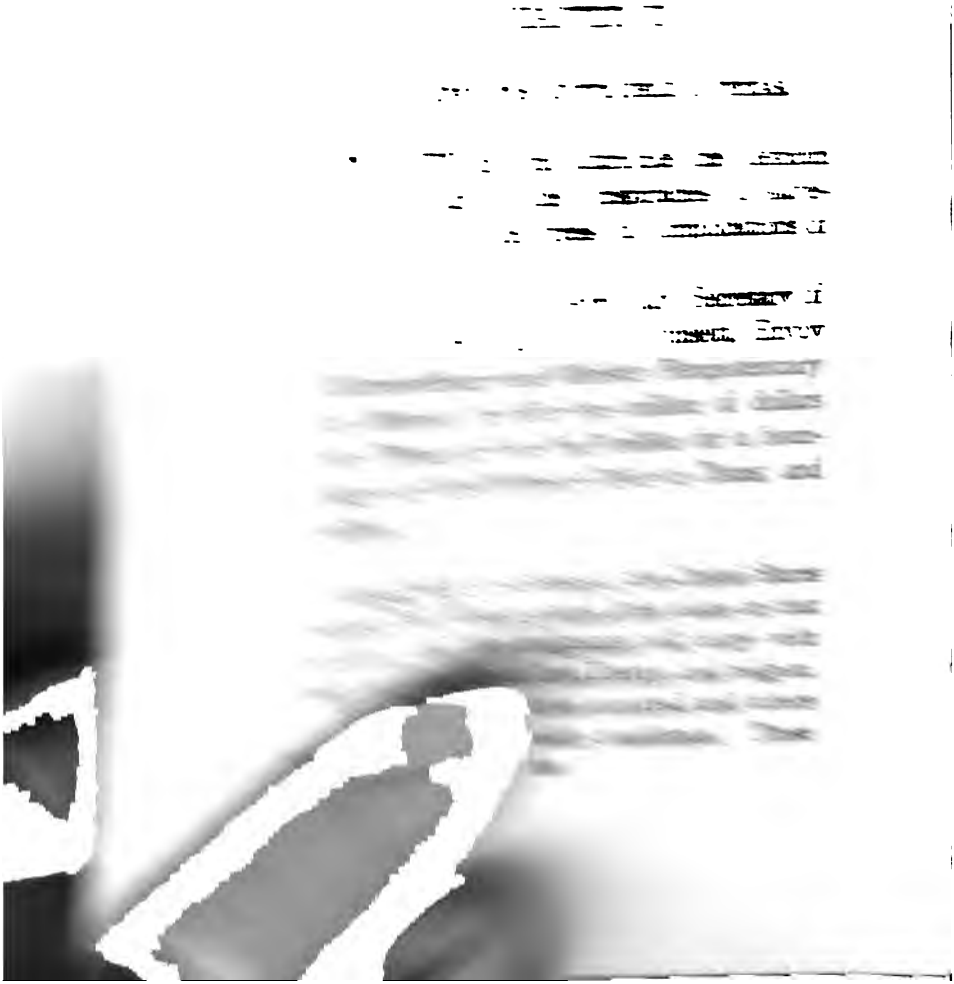
[1] *Sam Houston and the War of Independence in Texas*, Alfred M. Williams, Boston, 1893, p. 85.

He sent there several of his officers "who affected to join the people in supporting the authority of the state and offered their services to command the militia, which were accepted." These treacherous officers allowed the Zacatecans to be surrounded by superior force, half of them cut to pieces before they had an opportunity for resistance; the rest of them were "driven into the city, where the victors for several days indulged themselves in excesses too shocking and barbarous for recital."

Foreigners, as well as natives who had taken no part in public affairs . . . were butchered without ceremony and their property given up to the pillage of the soldiery or confiscated to the use of the officers [until] the tyrant had sufficiently glutted his vengeance.

Military despotism was fully established except in Texas, whose population was composed almost wholly of emigrants from the United States . . . drawn by liberal colonization laws and expectation of free government. It was in the population of Texas and in them alone that Santa Anna foresaw any serious obstacle to his designs. His resolution was therefore taken, which was to exterminate or drive them from the country.[1]

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1838, pp. 207–8.



collisions may insensibly enlist the sympathies and feelings of the two republics, and lead to misunderstandings.[1]

It had been supposed that Texas belonged to the United States as a part of the Louisiana purchase. John Quincy Adams has been very unjustly blamed for not retaining its possession. He was the only American signer of the treaty of 1819 who had held out for maintaining our title to Texas. But by that treaty with Spain the Sabine had been made the boundary of Louisiana to the southwest; and Mr. Adams was too honest to continue to claim what his own hand had signed away—if indeed he had been right as to the former title. He remained of course quite appreciative of the value of Texas; and, before its unfortunate involvement in the slavery controversies, was most anxious to obtain or *re*-possess it.

Later, a prefix of two letters became a subject of heated diatribes of politicians and historians, when *re*-annexation was urged; though in view of the earlier claims of Adams the word would seem natural enough. Even Mr. Carl Schurz quotes without objection

[1] 25th Congress, 1st session House of Reps., Ex. Doc. No. 42.

Clay's letter to the *National Intelligencer*, known as his Raleigh letter, of April 17, 1844:

> He [Henry Clay] had believed and contended that the United States had acquired a title to Texas by the Louisiana purchase. But that title had been relinquished to Spain by the treaty of 1819, and it was idle and dishonorable to talk of resuming our title. Under the administration of John Quincy Adams he had attempted to re-purchase Texas from Mexico, but without success.[1]

After having learned to speak of *re*-purchase, the word *re*-annexation would find place easily in the talk of common men, or Congressmen.

The praiseworthy attempt of the Adams administration to get Texas for a price was unfortunately a failure. Poinsett reported that "the purchase was impracticable, that the proud temper of the Mexicans was such that an official offer would only inflame their jealousy." It was a far-sighted and benevolent attempt of Adams and Clay, and, had it succeeded, would have been a service to their countrymen and their neighbors second to none of the services which made their

[1] *Life of Henry Clay*, Carl Schurz, 2 vols., Boston, 1887, vol., i., p. 244.

lives illustrious. Even in failure there is room for gratitude for their wise and good intent.

The great area from the Sabine to the Rio Grande (389,795 square miles) was to become of inestimable value; but Mexican utilization of it had long been proved to be impracticable.

The Spanish settlements east of the Rio Grande were forced plants, or transplantations from the Philippines and the Carolines, made in order to give color to claims under the discoveries of De Soto, and to resist the wedge of French outposts which La Salle planned driving down, from the Canadian great lakes and portages, to the mouth of the Mississippi.[1] The struggle for the control of the Gulf of Mexico, which President Tyler saw engaging the powers of Great Britain and the United States,[2] had its prototype in the contest made by Spain and France for the possession of Cuba and the shores of the gulf from Florida to the Rio Grande.

Neither Spanish nor Mexican occupation had reduced Texas to anything resembling what it has become the fashion to call effective occupancy.

[1] *The Journeys of René Robert Cavalier*, Sieur De la Salle, New York, 1906, vol., 1 p. 7.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, pp. 333–4.

The United States had been prompt to recognize the independence of Mexico. Any change was hopeful. But there was no betterment in Texan conditions. The constitution drafted by Austin induced the hope that legislatures of the provinces and local self-government would solve great difficulties. But local self-government got no chance.

The constitution of Mexico [says Kendall] guarantees to all classess and colors the greatest liberty and equality. . . The practice is an entirely different matter. [And he adds a humorous note]: Such was the case when I was in Mexico; as the Constitution is changed on an average every six months, a different state of thing may exist now.[1]

Ladd says:

In fact there was no true constitutional government. These military usurpers seized public and private property to maintain the army, till superseded by others. It was difficult to unite the different sections of the Mexican confederation upon laws for the national welfare. The territory held by this distracted nation was immense . . . to a great extent uninhabited . . . no railroads, canals, or tele-

[1] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol., ii., p. 112.

graphs, and but few post-roads and highways of travel to foster common interests and opinions among the people, who had been alienated from all respect for governments by centuries of the misrule and selfish exactions of Spain.[1]

The character of many of the Mexican officials was inconceivably brutal; "they were men who possessed all the vices of savage life without one of the virtues that civilization teaches." After capture of the Santa Fé expedition, Armijo, the Governor of New Mexico, murdered prisoners, and cut off the ears of the dead; to keep his tally right with the central dictatorship, he had the ears to show for vouchers.[2] Recruits for the regular army were literally roped in; "convicts and criminals tied together in strings," ragged and wretched, the majority of their officers taken from the higher classes and placed at once at the head of companies and regiments without either theoretical or practical knowledge of arms."[3]

The intolerable character of Mexican gov-

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 19.

[2] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. i., p. 292.

[3] *Ibid.*, vol., ii., pp. 135 and 394–5.

ernment has been exhibited in a previous chapter, but has so important a bearing on questions of the causes of the campaigns fought on Texan soil and in American politics and history that, at the risk of some reiteration, it is well to keep informed how far such character came down unmitigated to the period of contest between the two races, and to have in mind the testimony of an eye-witness and keen observer like Kendall, from whose pages it is a pleasure to transcribe his distinction between a kindly people and their barbarous oppressors. It will explain much of the later forbearance of the American nation with the Mexican rulers.

> The Mexican people as a body are kind and benevolent. . . . I am speaking of the lower orders and consequently of the mass.[1] . . . With deep respect and reverence the moral excellence of the pious cura of El Paso inspired more than one Protestant American.[2]

It is necessary to keep in mind that in the regions about to become the theatre of war

[1] *Narrative of the Texan Santa Fé Expedition*, vol., ii., p. 131.

[2] *Ibid.*, vol., ii., p. 41. Whittier's "Angels of Buena Vista."

there was an Indian population more numerous and, if possible, more treacherous and hostile, than elsewhere on the continent. The fact serves in some measure as an insufficient apology for the treacherous and futile attempts to make Mexican sovereignty appear anything more respectable than a byword for exaction and cruelty. It also serves to show some reason for the liberal terms offered by Mexico to the Austin colonists; and again, when correctly understood, to lessen the doubt whether the Austins, in trusting to Mexican promises, displayed a lack of sagacity not to be expected in a business enterprise however bold.

By Mexican authority we know that the native tribes in the neighborhood of the Rio Grande were a bar to the advance of Spanish dominion, from the earliest occupations.

The conquests beyond Saltillo and Chihuahua were suspended in 1670 on account of the immense number of Indians.[1]

In 1719, after the civil and military administration of the Marquis de Aguayo [which marked the high tide of Spanish or Mexican

[1] Report of the Commission of Investigation sent in 1873 by the Mexican Government to the frontier of Texas, New York, 1875, pp. 318, 319.

rule] had placed troops, missionaries, and new colonists from the Canary Islands as far as the boundaries of the Red River, there was general tranquillity along the immense line of defence. The position of the province called Coahuila and Texas, being the farthest advanced, engaged it more deeply than its neighbors in the ensuing wars of conquest. . . . Security was fully established *on the right bank of the Rio Grande.*[1]

That the Indian problem remained a serious one, especially when the tribes were incited to violence by Mexican emissaries, is apparent from the existence of some thirty United States forts which an ordinary map locates between the Rio Grande and the Nueces. Garrison mentions the danger from Indians in 1836 to the inhabitants of Nacogdoches.

M. M. Kenney recites a dozen Indian raids and atrocities from 1836 to 1839.[2]

The Spanish and Mexican colonists had failed to protect themselves or hold their own against the Indians. The supports from the Carolines and the Philippines had proved insufficient, and the military posts of the Marquis de Aguayo fell into disuse. The

[1] Italics mine.—C. H. O.

[2] *History of Texas*, edited by William G. Wosten, Dallas, Tex., 1898.

white population shrunk into insignificance, and the red men crowded them out.

The chief authority always in regard to Texan affairs, on whatever subject he speaks—an almost, or quite, unquestioned though generally ignored authority—is Stephen F. Austin. He says: "The Comanches and other tribes waged a constant and ruinous war against the Spanish settlements. . . . . The incursions of the Indians extended beyond [*i.e.* to the westward of] the Rio Bravo del Norte [upper Rio Grande] and desolated that part of the country.[1]

It is not surprising, then, that a Spanish nation, which for two centuries had failed—mainly, it is true, by reason of the unfaithfulness of its officials—to make any noticeable or permanent advance against a red race, in spite of using means not in the arsenals of other civilized nations, and notwithstanding its expensive importations of settlers from the antipodes, should have looked with envy on another and nearer class of settlers who, meantime, had swept that same red race half across the continent. Nor was it strange that it had given liberal land holdings to the new colonists in the hope and expecta-

[1] Speech of Stephen F. Austin, at Louisville, Ky., on March 7, 1836; reported in full in Niles, vol., i., pp. 269–279.

tion that they would establish a civilized barrier against Indian invasions of nearer Mexican territory, and that they would eventually assist in enlarging the habitable borders of Mexico. "In order to restrain these savages"—Austin continues—"and bring them into subjection, the government [of Mexico] opened Texas for settlement."[1]

Nor is it surprising that men of the quality of the Texan settlers should have expected to hold their own against savages, assisted by the self-interest of a nominally civilized nation in the rear and flank of their foes. Mexico guaranteed the safety of the Texan settlers manifestly in her own interest—an interest amounting to a necessity. She guaranteed it by the general guarantee of the

object of government, the well-being, security, and happiness of the governed. Allegiance ceases whenever it is clear, evident, and palpable that this object is in no respect effected.

Beside this general guarantee [all this is in the unanswerable words of Austin] we had others of a special, definite, and positive character—the colonization laws of 1823–'24 and '25 . . .

[1] Speech of Stephen F. Austin at Louisville, Ky., March 7, 1836, reported in full in Niles, vol. i., p. 270.

especially guaranteed protection for persons and property, and the right of citizenship.[1]

By the organic act of the 7th of May, 1824, Texas was joined with Coahuila until Texas possessed the necessary elements to form a separate state by herself.

Texas had suffered long enough from the impossible joinder with Coahuila and government from its capital hundreds of miles away across an Indian-harried wilderness. She had loyally kept her faith, and now sought for an independent local government only by respectful petition and within her constitutional rights.

How the guarantees of the Mexican government to the Texan settlers were broken is told in the same statesmanlike speech of Austin, and the official presentment of the Texan appeal, presented by the first Texan minister to the United States, Memucan Hunt; but the events connected therewith are of so great consequence in themselves, and so greatly affected the sympathies of the already great American people, as to have incited their leaders to action; and, thereby becoming one of the principal incentives of the Mexican War, and one full justification of it, must be presented in their order.

[1] Speech of Stephen F. Austin at Louisville, Ky. March 7, 1836, Niles, vol., i., pp. 269–279.

# CHAPTER VII

## THE LAMB ASSAULTS THE CUB

IN the necessarily crowded recital of the happenings in what has unjustly been called the Texan revolt, and which was as clearly a defence of vested rights as was the equally miscalled American Revolution, nothing can be properly understood, whether of civic action or military strategy, without a constant appreciation that the flanks of the settlement were incessantly attacked by savage Indians roused to even more than their usual ferocity by the emissaries of those whose protests of friendship and solemn treaty of democratic government had proved to be only a snare and a delusion, and who now attacked the front with overwhelming numbers, undisguised hatred, and a savagery surpassing even that of their Indian allies. The first Mexican open attack on Texas was made with all the advantage of being led

by the recognized, *de facto* governors of both parties to the issue, and with Mexican regulars entrenched already in Texan strongholds.

In 1830 Bustamente, having obtained the dictatorship of Mexico by treason and fraud, assisted, as has been related in a previous chapter, by the treason and fraud of Santa Anna and his army, set at defiance every guarantee of the Mexican constitution, and the grants to Austin. He prohibited immigration from the United States to take up the lands already granted. He established customs duties in violation of vested privileges. He prepared to make Texas a penal colony, and sent a thousand soldiers there, mostly criminals and convicts. He closed all the Texan ports, except Anahuac, which was outside the settlements and whose harbor was inaccessible to vessels drawing over six feet of water. He arrested citizens and, when the colony protested, arrested the envoys who bore the protest.

It was at this stage of Mexican history that Santa Anna saw his opportunity to take advantage of the indignation in the provinces whose legislatures had been dissolved, and whose officers had been discharged or slaughtered. He selected Texas as the most

promising field for a revolution, or resistance to the revolution of Bustamente, posing as the leader of liberty and constitutional rights under the Austin Constitution.

John Austin with a force of 125 Texans had captured Velasco.

In a skirmish at Nacogdoches the Mexican troops were defeated by, and declared for, Santa Anna. They were allowed to depart for Mexico to reinforce his war against Bustamente beyond the Rio Grande; and the Texans gave their adhesion to the "restored liberal government and the Constitution of 1824."

There followed an interval of relief from Mexican oppression. The war between Santa Anna and Bustamente kept the Mexicans busy. Whether the Texans had any confidence in Santa Anna or not, they had reason to believe themselves a recognized necessity to the Mexican Government, constitutional or despotic. To their arms was due its re-establishment and the power of Santa Anna. It was apparently a good opportunity for getting into more practical and concrete form the constitutional rights granted in the charter of settlement and in the Mexican constitution. They sent a memorial to the

Mexican Congress, petitioning for the promised separation from Coahuila and for a state constitution; and Austin took the memorial to Mexico. Baffled by delays, and finally despairing of action, he wrote back to Bexar advising the Texans to fall back on their original charter rights, unite, and organize a state government in accordance with the Constitution of 1824, without waiting for superfluous sanction.[1]

His letter was intercepted; he was taken at Saltillo and kept in custody, a part of the time in the dungeons of the Inquisition.

Coahuila was in a state of anarchy, worse than that prevailing in the rest of Mexico. After the battle of Guadalupe and the barbarous sack of Zacatecas, Santa Anna had left his brother-in-law, General Cos, "to regulate matters in Coahuila." Cos dispersed the Legislature, thus leaving Texas without even the nominal government of the joint provinces.[2]

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1838, p. 272. Austin's Louisville speech.

[2] "By midsummer of 1832 Texas was free from military rule."—*A History of the People of the United States*, John Bach MacMaster, New York, 1906, vol., vii., p. 252.

Whether with or without Mexican incitation, the Indians became particularly troublesome. They had murdered a party of traders at Gonzales.

The Texans were forbidden to maintain a militia in excess of one soldier to each 500 inhabitants,[1] which would permit a total of about 420 men scattered over an enormous area; and would be in about the proportion of one soldier to thirty Indians. The Texans were also commanded to give up their rifles, which were the prime necessity of border life, necessary for repulsing enemies and necessary for providing food.

Like all civilized men—indeed like all men, when left solely to their own devices for any government whatever—they made a government for themselves. Still loyal to their word and to the forms of government to which they had once subscribed, they formed only temporary or provisional governments. Their civic action took the form ordinarily adopted by civilized peoples left to the dangers of unrestrained rioting and murderous invasion. They formed committees of safety.

[1] *A History of the People of the United States*, vol. vi., p. 253.

Many of the colonists, seeing their opportunity, favored, of course, an immediate movement for independence, temporary independence having been thrust upon them. There had been a few Mexican troops left at Anahuac to collect customs.[1] Colonel Travis, without orders from the provisional government, drove them out of their quarters, and sent them to Bexar.

Commissioners were sent to arrange terms of conciliation with General Cos. His answer was an abortive attempt to arrest the leaders of the party of independence.

Meantime, after two years' detention in Mexico, Austin had been released by Santa Anna with strong protestations of friendship for himself and the Texans. Austin seems to have known his man by this time, and was too wise to take any more chances on his word. He reported the hopeless overthrow of liberal government. He, who had himself given form to a democratic constitution for Mexico, despaired of successful administration under it. The leaders were too

[1] *Quarterly, Tex. Historical Association*, vol., iv., pp. 190–202.

foul. The Mexican Republic was overthrown.

The moderation and strength of Austin's character united the people; and, September 13, 1835, he issued a circular declaring that peace negotiations were useless; he recommended the election of delegates to a general convention, and added, "We must defend ourselves by force of arms."

Before news of this could probably have reached him, at all events about the middle of the same month, General Cos started on the march to Bexar with five hundred Mexican troops.

October 2, 1835, was the date of the first act of war between Texas and Mexico. It was an attempt to enforce the decree of disarmament of the Texans by taking away from the little town of Gonzales a six-pounder cannon.

It cannot be appreciated at this day how near to a matter of life or death it was to a little settlement like Gonzales to have a single six-pounder, probably a not very effective one at that. They were face to face every day and night with the Comanches and Pawnees, stirred to hostility and ravage by Mexican officials who shared their plunder

and gave in barter for it powder and lead.[1]

A war party of Comanches had once made an attack on an expedition which had with it a small cannon, and were repulsed at such an unexpected distance, and with slaughter so little comprehended, that they were thereafter very shy of such armament. Since then "no party of the tribe has ever dared attack openly any company fortunate enough to possess a field-piece."[2] It may have been enough for the brave citizens of Gonzales to know that their honor was at stake and their liberties invaded by the precedent of taking their cannon; that their rifles, already demanded, would go next, and with their rifles their meat, their property, and probably their lives and the lives of their wives and children. But the one cannon was of itself a treasure inestimable; it was the safety of their city. The cannon answered the attack with grape, and its supports with rifle fire; and the Mexicans under Colonel Ugartchea were driven back to Bexar.

[1] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. i., pp. 400–401.

[2] *Ibid.*, p. 144.

Texas appreciated that the war was begun. Sam Houston was made commander-in-chief in eastern Texas; Stephen F. Austin was made commander-in-chief at Gonzales. October 13, 1835, Austin moved on San Antonio with 350 men. General Cos with five hundred Mexican regulars was in the city since the 9th. Both waited for reinforcements. A small party of Texans under Captain Smith had meantime taken Victoria, and Goliad, capturing two or three pieces of artillery, $10,000 in supplies and ammunition, and five hundred stand of arms.

October 27, 1835, Austin sent Colonels Bowie and James W. Fannin with ninety men to reconnoiter. They disobeyed instructions to return before night, and encamped at the Mission Concepcion, where they repulsed an attack, defeating about four hundred Mexicans, killing sixty-seven and capturing a cannon with the loss of one man, before reinforcements which Austin promptly sent could arrive.

November 25, 1835, Austin, having been chosen a commissioner to solicit aid in the United States—in which capacity he delivered the Nashville speech already quoted, and others—resigned his commission and

was succeeded by General Edward Burleson, a distinguished Indian fighter, with whom was the scout "Deaf Smith," among daring men, skilful in wood-craft and prairie fighting, celebrated for his pre-eminence.

Smith discovered a party of one hundred mounted Mexicans driving some mules laden with grass for foddering Cos' horses. He mistook them for expected reinforcements under Ugartchea, and thought the mules' panniers contained silver for paying Cos' troops. Bowie dashed out with one hundred mounted Texans, defeated the hostile horsemen, and a sortie from the garrison supported by artillery; captured the mules; killed fifty Mexicans, losing one man killed and one missing. The affair was known as "the grass fight."

These successes seem to have increased the discontent of the Texan volunteers at the failure to immediately carry San Antonio by assault, and, there being no regular time of enlistment and but lax discipline, many of Burleson's army of about eight hundred went home, those having families being especially anxious for the safety of their homes. Two companies of "Grays," fifty men each, arrived from New Orleans, a

company from Mississippi, and one from eastern Texas. A scout was missing, and it was suspected that he had deserted to the Mexican garrison, and would put it on the alert for an attack; so it was decided to raise the seige. But the scout returned bringing in a deserter, a Mexican lieutenant, and both reported the weakness of the defences. Colonel Milam, who had just escaped from Mexico in an exhausted condition, urged Burleson to attack, and was allowed to call for volunteers. He shouted along the lines, "Who will go with old Ben Milam into Antonio?" He was joined by 101 men, who after four days' fighting drove the Mexicans out of the city into the mission building known as the Alamo. In this battle the Texans pursued the tactics which were afterward successfully adopted by the American infantry at Monterey, as related by General Grant in his *Memoirs*. They kept in the shelter of houses, screened from the enemy's bullets, and made their advance from house to house, digging their way through the walls. Some of the Mexicans deserted and fled *across the Rio Grande*. On the fifth day General Cos surrendered to General Burleson; his troops were paroled,

and, December 14th, he set out on his retreat with 1105 men, two cannon, and sufficient ammunition for protection of his army against the Indians.

Such were the generous terms the Texans actually gave to a conquered enemy, only to be libelled by modern historians as rough border-men who probably treated their foes in a manner not far different from that of the Mexicans.

The Texan losses in their capture of the Alamo were two killed and twenty-six wounded; but one of the killed was Colonel Milam.

The Mexican loss was not reported; but was estimated at from one hundred to three hundred men, twenty-one pieces of artillery, and a large quantity of small arms and ammunition.

December 15, 1835, there was an engagement near Goliad. The post was attacked by the Mexican garrison of Lipanititlan. The Mexicans were defeated, compelled to surrender, and paroled, on condition that they leave the country and bear arms no more against Texas.

After these had crossed the Rio Grande there was not an armed Mexican soldier left

in the territory of Texas. The Rio Grande was the boundary of Texas by conquest.[1] Had the United States and the Texan provisional government, in that state of affairs, agreed upon terms of annexation, and United States regulars been sent to the Rio Grande with orders to resist any Mexican advance across that river, not a nation in Europe could have objected that such proceedings were not in accordance with its own best approved action in similar case. There would have been abundant precedent to cite from the record of every nation in Europe at that date; and there has been abundant precedent for exactly such action, with few exceptions, in the subsequent record of all civilized nations. It would have been a humane and just act, protecting an infant colony from ravage of treacherous tribes.

But those whom Schouler politely terms "the greater harpies of the United States" forbore to take advantage of this opportunity for expansion, although eloquently

[1] The surrender of San Antonio left the Mexican chief without a single post in Texas, and consequently terminated the campaign of 1835.—Niles, vol. i., p. 297.

*A History of the People of the United States*, John Bach MacMaster, New York, 1906, vol. vi., 252.

urged. Austin's argument was in their ears:

> That nation of our continent will be regenerated; freedom of conscience and rational liberty will take root in that distant, and by nature much favored, land where for ages past the upas banner of the Inquisition, of intolerance and of despotism, has paralyzed, and sickened, and deadened every effort in favor of civil and religious liberty. By Americanizing Texas, Texas will become a great outwork on the West, to protect the outlet of this Western world, the mouths of the Mississippi.[1]

In would be difficult to cite any precedent of international action or any principle of international law or ethics, which would have been violated had the United States yielded in 1835 to Austin's eloquent petition, annexed Texas, and defended her territory by force of arms.

It would not have been necessary to plead the modern doctrines of "effective occupancy" or "International Eminent Domain." It would have been ample justification to plead Mexico's absolute abandonment of the territory, by having ceased to exercise any jurisdiction over it, and by having

[1] Louisville Speech, Niles, i., p. 279.

failed to provide any defence or any government for it. It would have been ample justification to plead the need to defend the vested rights of American citizens, traders, merchants, buyers of land grants. It would have been more than justification, and a righteous appeal to "the higher law" that was being appealed to for less cause, to plead the determination to defend innocent non-combatants, women, children, the aged, from the fate of Zacatecas.

The United States as a nation denied Austin's application for intervention. It is to the credit of her people that enough of them heard his appeal and answered it.

Texas was to win her independence in fiercer fashion than taking shelter under the wing of the great republic. She was to establish her boundaries on the great westward river by even more unmistakable evidence than her preliminary victories.

She was a State that was to begin life with a brilliant history.

Their early successes cost Texans dear. Goliad and San Antonio de Bexar, with its old mission, almost a fortress, were testimonials to the valor of their captors, too valued to be cheerfully abandoned. They

commanded the routes to the settlements whose peaceful inhabitants, women, children, all who were unfit for war, were hastening eastward, pursued by a proclamation from Mexican head-quarters at Matamoras ordering Mexican troops to "treat all foreigners as pirates."

Goliad and San Antonio were too far apart for mutual support, notwithstanding the superior mobility and fighting quality of the Texans. On the face of it, good generalship and strategy should have concentrated on Santa Anna, who was now advancing with 6000 to 7000 veterans, a force sufficient to defeat and check him; lacking such a force, should have evacuated one of these posts and kept open the communications of the other with a base of supplies. But it was doubtful whether the Texans could defeat such an army with all the men who could be spared from defending against Indians and flying columns of Mexicans the non-combatants and their necessary burden of equipment.[1] All the available force for war which Texas

[1] "The 700 men afterward with Houston at the Brazos consisted of most of those who had not families to remove."—*History of South America*, John M. Niles, Hartford, 1838, vol. i., p. 299.

could furnish was under Houston, who had succeeded Burleson at the front. If his army were defeated there was nothing to look forward to but ruin and desolation and the horrors of Mexican mercy. Houston ordered the evacuation of both posts. His order to Fannin probably reached Goliad too late. Colonel Travis and the devoted band in the Alamo (San Antonio de Bexar) are said to have scorned to fall back from a foe they hated and despised. They had ample reason to do both. They were men originally from various localities. They were, many of them, already noted for desperate valor and skill in battle. There was doubtless too much emulation for any one of them to be willing to be the first to go back. Some of them were admirable for little else than a disposition to take long odds. But they were border-men; they were familiar with the artifice of retreating to better position for ambuscade or flank attack.

It is possible that, appreciating that it would be a point of honor with Houston to withdraw them from an extreme front he could not wisely support, they regarded his order as less a command to support his main

body than as a release to themselves from an over-perilous position. The most likely conjecture is that they realized fully their position and its consequences. There was, perhaps, a faint hope that they might be able to hold out long enough to enable volunteers sufficient for their relief to answer the appeal sent out by Travis; but, in full view of the really hopeless odds, it is difficult to doubt that they deliberately sacrificed themselves to cover the retreat of the non-combatants. They gave their lives for a few days' priceless delay.[1]

There were no desertions. On the contrary, after the place was invested a few from Gonzales stole or fought their way into it. The garrison numbered when first the Alamo was surrounded 145. The number killed was 166, probably including the five prisoners said to have been massacred. As to these five General Castrillo—whose name should be remembered from among the many it is a charity to forget—"inter-

[1] "The pause at San Antonio had afforded time for most of the non-combatants to flee out of reach, and thus saved Santa Anna from the consummation of his premeditated crime of staining his hands with their blood."—Niles, vol. i., p. 209.

ceded for their lives, but Santa Anna turned his back upon him and they were bayoneted."

It is doubtful if even the five were, strictly speaking, massacred; whether Castrillo, seeing them helpless for much mischief, did not beg to have them overpowered and taken alive. It is denied on good authority that any surrendered.

Schouler says, "Santa Anna had been cruel at the Alamo," making the unfounded intimation that he had been other than cruel elsewhere, and selecting the only battle in his life where it is not certain that he was cruel, or tried to be.

As a matter of fact there was little to complain of, comparatively, at the taking of the Alamo—if we are to take the most probable account.[1] At the worst there were only five victims and they were killed before the blood of the charging columns had time to cool. If it was murder it was not murder in the first degree; it was in *chaud medley*. The red flag of no quarter was flying from the nearest church tower, and a Mexican band was playing Deguello (Cut throat)

[1] "Only one was left alive and he was shot by order of the chief."—Niles, vol. i., p. 329.

throughout the battle. Bowie was killed in his bed, disabled by wounds and attended by Mexican women who, with their colored servant boy, were afterward protected by a Mexican officer; but Bowie was firing his pistols when he was killed. Crockett was overpowered by numbers and killed; but he was making efficient use of his clubbed rifle to the last. Major Evans, the ordnance officer, was killed; but he was attempting, in accordance with previous agreement, to fire the magazine.[1] A cannon was fired into the long ward of the hospital, and fourteen Texans were found dead in that ward; but there were forty dead Mexicans at the door of it.

"Remember the Alamo!" was not so much a war-cry of revenge at San Jacinto a few months later as an incentive to emulate a valor unsurpassed.

To give any description of the details of the battle would be to draw upon imagination or to trust to the confused memories of two Mexican women and a negro boy, the sole survivors, who were fully occupied in the care of the wounded. Why no authorized report

[1] *History of Texas*, H. Yoakum, New York, 1856, vol. ii., p. 81.

of the battle can be given is plain from the "haughty epitaph" graven on the monument to its heroes: "Thermopylæ had its messenger of defeat. The Alamo had none."

Goliad was a far more shameful affair to Santa Anna, to General Urrea and to the Mexican arms than was the Alamo.

After two or three skirmishes in which Fannin's volunteers, mostly from the United States, were outnumbered and defeated, the prisoners and wounded had been butchered by express orders from General Urrea—whose name must be remembered for future uses—and from Santa Anna in person. General orders also of Santa Anna and his creature, the Mexican Congress, were to treat all foreigners under arms as pirates. General Urrea had 900 to 1000 troops, reinforced by sixty-six paroled Mexicans who broke their parole and joined him. Colonel Fannin, a Georgia volunteer, had evacuated Goliad under orders to join Houston, and with 350 men and nine field-pieces was surrounded in the prairie.

A hundred Campeachy Indians increased the Mexican force. Their skill in keeping cover and their excellent rifle practice did

much to harass the Texans, who, however, repulsed the first day's attack, and would probably have made good their march to join Houston had they not been encumbered with sixty wounded, whom they refused to abandon to butchery. Thus much his barbarity helped Santa Anna's strategy.

On the second day the Mexicans were seen to be reinforced by 300 to 400 troops, two pieces of artillery, and 100 pack mules with ammunition and supplies. Without food, water, or ammunition, the Texans surrendered on written conditions, signed in triplicate, of being treated according to the usages of civilized nations, the wounded to be cared for, the rest paroled not to serve during the war. By express orders of Urrea and Santa Anna they were all shot or bayoneted with the exception of twenty-seven who escaped to the woods. Three hundred and twenty men died in this massacre. The wounded were butchered in their beds in the hospital. That the bodies were collected and burned was no harm to anybody but those who did it. Williams well says of the whole transaction, "It was a blunder as well as a crime." There were Mexicans who were shocked at such barbar-

ity; and Santa Anna was to hear at San Jacinto the terrible war-cry "Remember la Bahia!"

The excitement in the United States on the receipt of news of this slaughter was, of course, intense. Had General Gaines been ordered at once across the Sabine, the relatives of the slaughtered men would have been reconciled to the invasion of Mexican prerogatives; and there might have been justification for the comment of the historian that "Jackson helped Houston's strategy."

Houston had perhaps distrusted too much the quality of his forces. Justly or unjustly he was greatly blamed by many in his command; and by his personal enemies, who were never few, he was accused of personal cowardice. But it is impossible for a review to blame him for retreating with an undisciplined body of recruits before a fivefold-outnumbering army of veterans. He was covering the flight of women and children, while his numbers were depleted by the going home of men who had families, to help them toward Nacogdoches. His supply train also was crippled for lack of the wagons he had lent the fugitives.

Moreover he was outflanked and his rear already threatened. Santa Anna crossed the Brazos with 1500 men to prevent reinforcements to Houston and cut off his retreat.[1]

Santa Anna was now proclaiming himself more loudly than ever "the Napoleon of the West." It takes time and long marches to overrun a country like Texas, however; and the Mexican army was making quicker work of it by dividing into three columns, to carry devastation faster. Houston had by the superior mobility of his hungry army got across the Brazos in time to keep Nacogdoches covered, and now he was accused of trying to bring the Mexicans into collision with Gaines's United States troops at the Sabine.

There would seem to be obvious fatuity in Santa Anna's pushing with his column toward Galveston Bay. He had no fleet there to support a new base. He seems to have become infatuated with his own greatness and his eagerness to destroy the Texan civil authorities. He had information that they were in session at Harrisburgh, and

[1] Niles, vol. i., p. 209.

made a rapid march to that place. They had escaped him; but he burned the town and turning northward advanced to the San Jacinto River—the Holy Hyacinth, the water-flower.

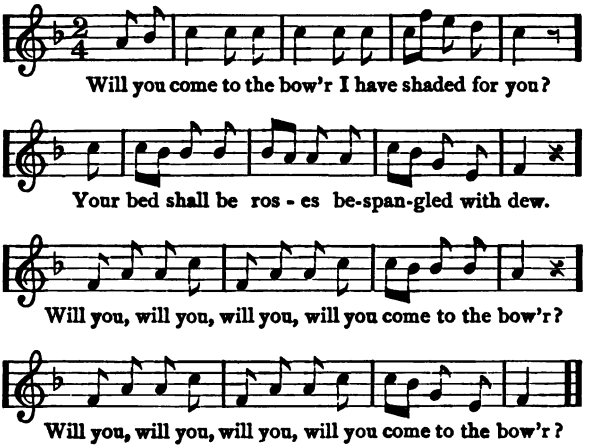
It would seem that Houston, with so mobile a force as Texan volunteers, should have been able to take Cos and Sesma's columns in detail before a junction with Santa Anna could be effected. Cos had broken his parole—probably his men with him—and was now in the field. Santa Anna had managed to be heavily reinforced, however, and had 1500 troops with him when he reached Buffalo Bayou.

A smaller stream, Vince's Bayou, with Buffalo Bayou, the San Jacinto, and their adjacent swamps, form what is practically an island, approachable only, and with difficulty, by boats (of which there were none) or by the bridge over Vince's Bayou. After taking position on this island, Santa Anna did not even defend the bridge. He must have had confidence enough in his double numbers of veterans to be desirous of getting the Texans where they could not escape him. Had the Texans taken the defensive at the bridge, they could have

starved him out or forced him to attack at insuperable disadvantage; only that would have set free Cos and Filisola to plunder and ravage their homes.

Marches and counter-marches had consumed a year. It was now April 21, 1836. Houston's senior officers advised waiting the Mexican assault. His army numbered 743. Santa Anna's forces were 1500 veterans behind a barricade. The impatience of the Texan troops to finish the war and get home was what, probably, determined the attack. Deaf Smith, it is said, was sent back to cut down the bridge over Vince's Bayou, and as line was formed for the charge word was passed, "The bridge is down; you must fight for your lives." No incentive was needed; but it was desirable that the Mexicans should not escape.

The Texans had been in a belt of timber. As they advanced out of it—the rifle at trail, the bowie knife in the teeth or loose in the belt, the blood of the border at fever heat—came the touch of comedy which seems to relieve all tragedy—for the reader. The Texan band consisted of one drum and one fife; it struck up:




The "twin sisters," two howitzers, a present from citizens of Cincinnati, discharged a volley of stones and iron scrap into the barricade; the Texans halted at close range, fired once, the band played "Yankee Doodle," [1] and they dashed forward with cries of "Remember the Alamo!" "Remember la Bahia!" The battle of San Jacinto had begun.

Before nightfall the Mexican army was annihilated. With the loss of six killed and twenty-five wounded, the Texans had killed 630 of their foes, wounded 208, and taken

[1] So reported to Professor Garrison.

730 prisoners (including the wounded), with their baggage, camp equipage, 900 English or Spanish muskets, 300 sabres, 200 pistols, 300 mules, and $12,000 in specie. One half of the money was promptly contributed to the relief of suffering non-combatants or the navy; the other half was distributed in pay to the victorious soldiers—about $8.00 each for a year's campaign.

Santa Anna had fled, but was pursued and captured within a day or two.

His immediate execution for murder was, of course, strenuously demanded; but for purposes of civil and diplomatic advantage his was a very valuable life.

There was a nominal congress in Mexico, but it was well known to be only the poorest creature of the despot's will, and Santa Anna was that despot. He readily entered into treaty to save his life.

"He was in duress." But the conquered are always in duress. The treaty of Velasco was signed May 14, 1836, between the Texan government and the government of Mexico—to wit Santa Anna. Hostilities were to cease, prisoners to be exchanged, all Mexican troops to be withdrawn *beyond the Rio Grande*, indemnity to be paid by

Mexico, Texan independence acknowledged, *with the boundary not beyond the Rio Grande;*[1] the latter clause to be kept secret at Santa Anna's suggestion, lest it be repudiated by the Mexican Government before he could arrive home.

This agreement of secrecy enabled Santa Anna to keep up a show of his life being of importance to his captors, who sent him back to Mexico, where he promptly resumed autocratic power; and the treaty was as promptly abrogated, so far as one party to a treaty can ignore it. Of its binding the Mexican Government, Senator Rusk afterward summed up the situation perfectly when he said, "All the Mexican Government which was in existence at the time [of the treaty of Velasco] was in Burleson's baggage train, prisoner of war."

General Filisola, the Mexican second in command in the field, accepted the terms of the treaty, and marched 4000 troops across the Rio Grande to Matamoras in wretched condition. The conditions were precisely the same as those under which the United States had recognized the

[1] *Southwestward Extension*, George Pierce Garrison, New York, 1906, p. 206.

independence of Mexico, only that General O'Donoju was not the Spanish Government.

There was never thereafter a serious attempt of Mexico to renew the invasion of Texas or of any of the territory on the Texan side of the Rio Grande.[1]

Her internal feuds were alone sufficient to account for Mexico being in too reduced a condition to defend even her nearer provinces from Indian raids. The few Indian and Mexican raids afterward made into the territory on the Texan side of the Rio Grande were promptly repulsed; every military post in that territory remained in Texan possession, and the boundary claimed and conceded, at least by implication, in the treaty of Velasco was successfully defended, although the raids by Indians incited by Mexicans were a constant drain on the resources of the young republic. After the

[1] "As to the possibility of its [Texas'] reconquest and loss of the national status it had gained, that was too slight to be taken seriously into consideration at all." —*Texas, A Contest of Civilizations*, George Pierce Garrison, Boston, 1903, p. 262.

"It was evident that Mexico would never recover this territory."—*History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 24.

battle of San Jacinto there was but a single engagement to complete the victorious campaign which drove the Mexicans to Matamoras. Captain Isaac W. Burton, who appears to have been the only Texan commander not a colonel or a general, captured three vessels at Capano with supplies valued at $25,000. His force consisted of twenty mounted rangers who for their success received the title of "Horse Marines," a term very frequent in the slang of the period for a while after.

Houston was installed President of Texas October 22d. He made Austin Secretary of State. Smith, his other competitor for the presidency, he appointed to the Treasury; Colonel William H. Wharton Minister, and Memucan Hunt Commissioner, to the United States; who at once urged recognition. This was violently opposed by Mexico and by many anti-slavery politicians. Williams says, "The majority of the people of the United States were in favor of it." Judging from later events, from the sympathy which had naturally been elicited by the battles in Texas, in which their own kin had participated, and from the ownership throughout the country

of many shares of "land-scrip"—issued by corporations holding, or claiming to hold, lands in Texas, and from the election of Polk eight years later, Williams' opinion would seem to be justified.

Shipping interests, too, particularly of New Orleans and the gulf ports, would be served by bringing under United States laws, and power to enforce laws, the pirate-haunted islands of the Texan coast.

Jackson has been blamed for haste in Texan recognition. He did not at first display any undue ardor in that direction. In his message to Congress December 21st he said:

> Prudence would dictate that the United States should stand aloof until the independence of Texas had been recognized by Mexico or one of the great foreign powers, or until events should have proved beyond dispute the ability of the people to maintain their independent sovereignty.[1]

He expressed, however, his willingness to trust the discretion of Congress. This was for Jackson a very tame treatment of an exciting subject. Sumner, and others with

[1] Message to Congress, Dec. 21, 1836.

him, have harbored the suspicion that delays were ingeniously fostered for the purpose of letting affairs with Mexico get into such a tangle as would result in the United States having a pretext for the acquisition of both Texas and California.

It is easy to prophesy after the event. Results may have given an air of probability to the theory; but it does not follow that, whatever the shrewdness of the Southern politicians, the United States as a nation disgraced herself by her formal forbearance. It is not necessary for even the most vindictive of biographers to impeach "Old Hickory's" motives. He was not incapable of generosity to a fallen enemy—at least if it happened that the fallen enemy was the enemy of somebody other than himself; and for a while after the battle of San Jacinto, in spite of protestation and bluster, Mexico appeared to be quite prostrate before the Texan prowess—an object of pity, unable, as she was, to establish a stable government or to defend her towns from Indian ravages. After the battle of San Jacinto and the peace of Velasco, it would surely have been within the rights of the United States as

defined by any international obligations to have annexed Texas at her request with the boundary of the Rio Grande. But the wolf forbore.

# CHAPTER VIII

## RECOGNITION

IT may be doubted that conjecture is a profitable occupation for historians. But if amusement is to be afforded by guessing at Jackson's motives for advising delay of recognition of the independent republic of Texas, in his message December 21, 1836, it is not needful to confine the imagination to the theory that it was to serve the purposes of slave-holding or other territorial aggrandizement. Now that the heat of war had subsided, and calmer deliberations as to what were their practical interests were occupying Texan councils, doubts may have come to the surface of their ability to hold, or their profit in holding, dominion over the "herds of wild horses" beyond the Nueces, or undertaking the policing of the few Mexicans who remained in the settlements northeast of the Rio Grande.

It was like Jackson to be impetuous, and to be intolerant of delay; but it was also like Jackson to be shrewd, and to wait behind his breastworks for his Pakenhams. He had had his experiences with Calhoun as friend and foe; Martin Van Buren had been his associate as Vice-President and as Secretary of State; Edward Livingston, Louis McLane, and John Forsyth had advised him in foreign relations. He was planning, and effecting, the unique political success of naming the President who was to follow him into power.[1] It was uncertain, too, how many votes could be secured for recognition. There may have been a better chance of securing reluctant votes by coyness and deliberation.

Then there was a claim for a Texan boundary far into the water-shed of the upper Rio del Norte, which included much of what is now New Mexico, and to secure which the United States eventually paid Texas's national debt. There could hardly have failed to be some hesitating Senators who hoped to narrow the demands of Texas for property

[1] "His last political victory—the election of Van Buren—was his greatest."—*Jacksonian Democracy*, William MacDonald, New York, 1906, p. 309.

so far encroaching the supposed limits of the Louisiana purchase—or of Mexico. The embarrassments of such questions and the difficulties attendant on attempting, even, such surveys as might tend to their solution, became at a later date quite apparent.

If Texas, on the whole, were satisfied with a boundary on the Nueces, votes were likely to be gained, and questions of property about Santa Fé postponed or settled.

Whatever the motives or plans, the Texas Legislature, December 19, 1836, passed a resolution declaring the Rio Grande to be the western boundary of Texas. As this was two days earlier than Jackson's message recommending delay it is not likely, when the slow mails of the day are considered, that either of the two influenced the other very much.

Texas stood by the rights she claimed under the treaty of Velasco, and the boundary she had established by battle.

Jackson may have had undisclosed opinions and been privy to any number of conspiracies to breed wars and obtain Californias, for all the possibility of proving a general negative; but what he did was sufficiently straightforward.

He reported the Texas resolution Decem-

ber 22d, and "pointed out distinctly that in taking Texas the United States would take her with her new [!] boundary claims."[1] Of this Sumner says:

> That is as if Maine were to secede . . . claiming for her boundaries the Alleghenies and the Potomac, join Canada, and then England claim the New England and Middle States. . . . The policy was to keep the Texas question open until California could be obtained."[2]

Sumner anticipates at this point the whole question of annexation; but it is as well to meet his imagination here as later. If Maine were supposed to have driven the armies of the United States across the Alleghenies and the Potomac, and compelled a treaty to stay there, and enforced compliance with that provision of the treaty, the comparison would not be without a show of semblance—as it now is.

Professor Theodore Salisbury Woolsey, Yale University, while recognizing that the territory acquired was "essential to our symmetrical development," stigmatizes the Mexican war as unjust and the recognition of

[1] *Andrew Jackson*, William Graham Sumner, Boston, 1882, p. 357.

[2] *Ibid.*

Texan independence as "premature"[1]; but, when he gets down to the fund of learning he unquestionably possesses in his own specialty of international law, he gives three justifying reasons for the intervention of the United States in liberating Cuba:

> The burden of neutrality; the dictates of our commercial interests; the call of humanity. Any one of these is strong; together they are very nearly convincing.[2]

Connecticut was not of Professor Woolsey's opinion as to the prematurity of the recognition of Texas. March 27, 1836, at its first session after the slaughter at Goliad and the Alamo, and while the Texans were falling back toward San Jacinto, the Connecticut Legislature passed a resolution instructing the Senators and Representatives from the State to use their best endeavors to procure the acknowledgment of the independence of Texas. Many other States passed similar resolutions.[3]

[1] *American Foreign Policy*, Theodore Salisbury Woolsey, New York, 1898, pp. 11–16 and 120.

[2] *Ibid.*, pp. 64–65.

[3] The Connecticut resolutions were presented by Senator Niles, June 13, 1836. The Ohio and Pennsylvania resolutions, to the same effect, were referred to the Committee on Foreign Relations.—*Senate Journal.*

No Senators in 1837 took Professor Woolsey's view. Mr. Schurz seems to differ with him.

March 1, 1837, the resolution recognizing Texas as an independent nation was passed by Congress and Jackson signed it.[1]

At the last hour of the session a clause was inserted in the civil appropriation bill, and passed both houses, providing for the payment of a diplomatic agent to the Republic of Texas whenever the President should receive satisfactory evidence that Texas was an independent power, and deemed it expedient to appoint such a minister. "Jackson immediately signed the bill." Certainly the civil appropriation bill must be signed if a new administration was to be comfortable. Jackson appointed the new minister, and the appointment was confirmed by the Senate.[2]

There is of course a surface appearance of haste in such disposition of a matter of inter-

[1] "Clay was in no haste in reporting from the Committee on Foreign Relations the resolution for recognition, and it passed the Senate by a unanimous vote." —*Henry Clay*, Carl Schurz (Boston, 1887), vol. ii., pp. 91–92.

[2] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 256.

national importance. But there was no haste at all differing from what is usual, or even without exception, at the end of a Congressional session. It did not hurry official business in the closing hours of an administration as had Adams' long list of appointments in anticipation of party change. Prematurity is to be inferred less from rapid action at the end of a period than from giving too little time and thought to the consideration of the action.

If a new administration and a new congress were not to be saddled with a vexatious question which had already been well threshed out, certainly the last hour of the session was not too early for deciding it.

Without comparison of dates, but in view of the progress of events, the recognition of Texas, in consideration of her relations to Mexico, had been delayed longer than the recognition of Mexico in consideration of her relations to Spain. Spain held important military posts, and ports where her formidable navy could cover the disembarkation of comparatively great military forces—of which she later availed herself—when the United States, in spite of Spain's protests, recognized the independence of Mexico. In

1837 every military post and every port in Texas was in the hands or power of the Texans.

The Republic of Cuba was recognized when the Spaniards held possession of everything on the island but the thickets, and surrounded its coast with their fleets.

The treaty between Mexico and Spain, on the faith of which the United States had recognized the Republic of Mexico, had been signed on the part of Spain by General O'Donaju only, her commander in the field, without the approval of his government. The treaty of Velasco had been consented to and acted upon by all of Mexico's generals in the different departments in Texas and by the only government she actually possessed.

The terms agreed upon between Grant and Lee at Appomatox were respected as religiously as if a formal treaty.

Other republics have been from time to time recognized in which the suzerain had a better fighting chance than the Mexican outlook in Texas at the time of her recognition.

Judged as a mere question of difference in dates, too, many a new *de facto* government

has been received into the brotherhood of nations after a *coup d'état*, or a removal of a head—or two—or more—with more speed than Texas.

Hawaii was not kept waiting so long—nor Panama.

The date of the treaty of Velasco (by which the only government of Mexico—that "in Burleson's baggage train"—had recognized Texan independence) was May 14, 1836. To March 1, 1837, the date of recognition of Texas by the United States, the interval was nine months and eighteen days; and it is difficult to perceive why the professors should regard that as an abnormally brief period of incubation.

There was no great reason for waiting to learn the boundaries of Texas.

The acquisition of California had not yet become a pressing political question. It is hardly credible that Jackson was in a conspiracy to force a war to obtain a footing on the Pacific coast.

The boundary of Texas was made the Rio Grande in the treaty of Velasco by implication, if not in terms.[1] Treaty or no treaty, that

[1] "A condition of the treaty of Velasco was the establishment of the Rio Grande as a boundary."—*Sam*

boundary had been enforced: the Texan Congress had insisted on it; Jackson had advised the United State Congress of the insistence; and after the resolution of recognition had passed there was no reason for any official of the United States, in the observance of neutral relations, to question that boundary. Texan independence was recognized by other powers. And the recognition of Texas by the United States, was timely, definite as to the Rio Grande boundary, and conclusive.

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*Houston and the War of Independence in Texas*, Alfred M. Williams (Boston, 1893), pp. 209–211.

Henry M. Morfitt, American agent in Texas, to Secretary of State, Aug. 27, 1836: "The Rio Grande was made the boundary by implication, as Article III. of the agreement stipulates that the Mexican troops should evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte."—*British and Foreign State Papers*, London, 1853, vol. 25, p. 1365.

# CHAPTER IX

## MIXED MOTIVES

THE opinion expressed as to the causes of the Mexican War by the mass of historians is given more definite shape, perhaps, than by any other, by Mr. Ladd, who says in italics: "*The potent cause and ruling motive of the war with Mexico was the purpose to extend human slavery into free territory.*" But he admires "the forbearance which citizens of the United States had long extended to the Mexicans." [1]

Carl Schurz gives four "ostensible grounds for war": "annexation, claims, the boundary line, the rejection of a minister," but says that "the course of the administration in its dealings with Mexico was such as can scarcely be explained on any other theory than that it desired to bring on a war."

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 29.

The motives and reasons for annexation of Texas and for war with Mexico because of it, or independently of it, are not so simple and uninvolved as from this brief generalization would be inferred. They are numerous, and so interlaced, interdependent, and yet contradictory of each other, as to form a chapter in history than which it is hardly possible to imagine one fuller of intricacy and difficulty. It is not improbable that it is in avoidance of this difficulty, along the line of least resistance, that historians have with so great an approach to unanimity attributed it all to a slavery cabal. Brief histories and biographies naturally accept a short cut. Philosophical historians in love with *a priori* reasoning seem to be almost irresistibly drawn into attributing effects to a single dominant cause.

That there was a large slave-holding interest, under the leadership of Calhoun, which favored extension toward the southwest has never been and cannot be questioned; its methods were shrewd but direct, earnest, and so obvious as to have been deservedly denounced as domineering. The slave-holders undoubtedly took advantage, with great

political skill, of everything which tended to elicit popular favor for their projects.

But, whatever their justly famed political ability in taking advantage of circumstances, their power had limitations. They did not and could not create the conditions; they found them existing, and only controlled results as far as possible. And, since many of their official acts have been damned with opprobrium for their alleged disregard of formal good manners and diplomatic decencies, it is necessary to remember that the political skill and experience which were jealously recognized and bitterly regretted by their opponents constituted in themselves almost a guarantee that no mistakes in the formality of the official acts for which they were responsible would be allowed to endanger their popular standing. And it would be unjust not to credit the pro-slavery faction with much patriotic and personal pride.

A faction did not control events. The remark of John Quincy Adams that "The question of the right of search, Oregon occupation, the Jones landing in California, and the movement for the annexation of Texas were a part of one great system, looking for a war of conquest and plunder," was

answered by Webster: "He was wrong in all this."

Upshur lost his own temper in repelling Adams' charges against the Department of State, in which he had succeeded Webster, saying: "The old man has nothing of his former strength left but his passions; his whole letter [November 5, 1842] is a tissue of malignant misrepresentations." [1]

President Tyler's Texas message declares, "No intrigue has been set on foot to accomplish annexation." [2]

"In Von Holst everything is twisted and distorted in the worst possible degree." [3]

The faction of slavery extensionists found allies and weapons in the reactions from the infatuation of their most radical opponents. The American Anti-Slavery Society, after years of vague threats, passed a resolution in May, 1844, that "the abolitionists make it one of the primary objects of their agitation to dissolve the American Union." [4]

There was a plot disclosed, to induce the

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 268.

[2] *Ibid.*, p. 323.

[3] *Ibid.*, p. 268.

[4] *Ibid.*, p. 274, quoting *Niles Register*, lxvi., p. 192.

interference of Great Britain to effect the emancipation of slaves in Texas and guarantee Texan independence; to which Adams bade Godspeed.[1]

Many a hater of slavery would refuse to ally himself with a party of disunion, or with one which would be willing to see British influences predominate in a new and near quarter of the continent.

The gradual emancipationists of the South were advocates of slavery extension. Their reasoning was precisely the opposite of that of the Freesoilers who, in later days, would strangle the institution by constriction; they proposed to modify it, and eventually dispose of it, by a process of dilution.

The birth-rate among slaves does not seem to have entered as a factor into their calculations; but there is no reason for impeaching their honesty.

If the purest patriots, like Jefferson and Madison, could believe in the doctrine of a diffusion of slaves as the open sesame of emancipation, it was not impossible for an abolitionist to suppose that President Tyler really believed that the addition of Texas, with its fine cotton

[1] *Letters and Times of the Tylers*, p. 275, quoting *Adams' Memoirs*, xi., p. 380.

fields inviting slave-labor from the old States, would hasten the period of emancipation in Virginia.[1]

Whatever may have been the processes of reasoning of the gradual emancipationists, they and most Southern statesmen and influential men were for annexation.

With the exception of the contest of Jackson with the United States Bank, no issue had probably brought a more formidable lobby to Washington than that which urged Texan annexation, nor one more deeply interested by reason of money considerations. "During the debates in the Senate as late as 1844 the lobbies were crowded with speculators in Texan scrip and lands."[2] Among the speculators were land companies in New York, and the Rio Grande Company.[3]

The lobby was not a rich nor a talented one, and is not likely to have greatly influenced results at Washington, however much the distribution of the land-scrip among

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 255.

[2] *History of the United States*, James Ford Rhodes, New York, 1900, vol. i., p. 81.

[3] *Thirty Years View*, Thomas H. Benton, New York. 1854, vol. ii., p. 623.

many holders may have influenced a popular election. The chief importance of the scripholders is to be looked for in having gained some votes for Polk.

Several writers have laid much stress on the readiness of a large class of the American people to be enthusiastic about "manifest destiny," and a readiness to encroach on the rights of others in "following the star of the nation's destiny." If anything of such impulse is discoverable in concrete results, it is not to be found often or easily in diplomatic action. If traceable in affairs with Mexico it must be found in election excitements and declamations. It may have served to gather a few votes, but it is not a ponderable force.

A summary of the considerations moving for the annexation of Texas was presented to the United States Senate, April 22, 1844, in executive session, in a secret message from President Tyler,[1] couched in his usual deliberate and moderate language and preserving a friendly tone toward Mexico.

Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico as far back as 1836, and consummated her independence

[1] 28th Congress, 1st session, "Documents from which the seal of secrecy has been removed." Doc. 276, p. 9.

by the battle of San Jacinto in the same year, since which period Mexico has attempted no serious invasion of her territory; but the contest has assumed features of a mere border war, characterized by acts revolting to humanity.

In 1836 Texas adopted her constitution, under which she has existed as a sovereign power since having been recognized as such by many of the principal powers of the world; and, contemporaneously with its adoption by a solemn vote of her people, embracing all her population but ninety-three persons, declared her anxious desire to be admitted into association with the United States. . . . This course has been adopted by her without the employment of any sinister measures on the part of this government. No intrigue has been set on foot to accomplish it.

The message sets forth certain dangers in refusal, such as smuggling, hostility of Texans, raids of Indians from a territory not accessible to our arms or policing, loss of trade, the submission of Texas to some other Power.

It is not to be believed that a man of Tyler's unquestionable integrity, and an independence of character such that he had not hesitated to vote in a minority of one in a

case of conscience,[1] should have misstated the position willingly to the Senate, his colleague in the treaty-making power. And it is not probable that a statesman of his experience made any serious error in his presentation of facts.

He viewed the matter as "an American and not a Southern question."[2]

If any speculators in Texas stocks have counselled, much less impelled, me to action upon that subject, I declare myself to be wholly ignorant of that fact. The plain truth is that I saw nothing but the country, and the whole country; not this or that section, this or that local interest, but the *whole*—the good, the strength, the glory of the whole country in the measure.[3]

Or, as Professor Woolsey says, "something essential to our symmetrical development."

Webster, Clay, and Tyler endeavored to keep the solution of the Texan question out of politics.[4]

[1] "The Force Bill," *Jacksonian Democracy*, William MacDonald, New York, 1906, p. 164.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., pp. 422–423.

[3] *Ibid.* p. 425, Letter to *Richmond Enquirer*.

[4] "It was necessary for the success of the scheme that the question, above all, should not become a party one."—*Ibid.*, p. 278.

Clay considered slavery to be a strictly temporary institution, which would soon be overthrown by the laws of population.[1]

The advantage to trade in controlling Texan ports is obvious from the cotton monopoly, from the conformation of her coast—the shelter offered to pirates and smugglers by her sounds and inlets.

The complication of the question of Texas with that of Oregon, and general access to the Pacific, cannot be either over-estimated or altogether unravelled.

At another period annexationists would naturally have pulled together to land a double prize. The Democrats did join the political war-cry of "re-annexation," with "fifty-four, forty, or fight," and won out; but whether by virtue of the combination, the alliteration—cited longer and wider than the Reverend Burchard's "Rum, Romanism, and Rebellion"—or the division among their opponents, cannot be computed with anything approaching to exactness.

How many votes were lost to the Democracy in the South by the prospect of a great

[1] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 260–1, Letter of Clay to Stephen F. Miller, Tuscaloosa, July 27, 1844.

increase in Northern territory? How many everywhere by the danger of two wars at a time?

How many votes were captured by an outlook for cotton monopoly and cheap lands in Texas? How many by the vision of ports on the Pacific? Daniel Webster had said, "The port of San Francisco is twenty times as valuable to us as all Texas." [1]

How many American whalers and shipowners, how many of the settlers pushing out over the trails of Lewis and Clark, how many owning lands or whose brothers and sons were among the pioneers in Oregon, were supporting a policy of expansion? Such questions cannot be answered with exactness. No census or election returns can be relied on for figures. A close analysis of the votes in some State elections and in the election of President might give reasonably close approximations; but these influences on the solution of questions with Mexico are not quite ascertainable and are at best remote.

Nearer and more powerful impulses for curt dealing with Mexico, but, nevertheless, influences incapable of measurement, were

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 264.

kinship with the Texan population, or a great and controlling part of it, and intense sympathy for their wrongs, coincident with no less intense indignation at Mexican barbarities.

From 1836 until 1845 "Remember the Alamo"—which more reasonably should have read "Remember Goliad" (la Bahia)—meant as much to a vast number of American citizens as, within a decade, "Remember the *Maine*" meant to their descendants, and with much more certainty that the vengeance invoked was not misplaced.

It would seem to be highly probable that, instead of slavery extension having been the prime factor in inducing annexation and war with Mexico, had it not been for the slavery question Texas would have been annexed, the pirates of her coast sunk or hung, her grand agricultural wealth exploited, and Mexican and Indian atrocities suppressed by the power of the great republic, immediately after the slaughter at Goliad.[1]

One of the series of incidents which un-

[1] "The wonder is not that there were occasional emigrations and subscription of funds, but that there was not an open and direct intervention by our people. The ludicrous part of the business was that the greatest complaints came from the very men who proclaimed the higher law against slavery."—*Letters and Times of*

doubtedly tended to delay annexation was the contention between the two houses of Congress as to their constitutional prerogatives. Niles, as we have already noticed, had been reluctant on account of constitutional scruples. Benton objected to the acquisition of Texas by treaty, instead of a treaty based on legislative action, as in the case of Louisiana and Florida; "by treaty covertly conceived and carried on with all the features of an intrigue, and in flagrant violation of the principles and usages of government."[1] He insisted that immediate annexation was made to serve a political scheme to weaken Van Buren and make Calhoun President by throwing the election into the House.[2]

February 14, 1845, annexation was effected

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*the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 257.

Since editing *The American Nation*, Professor Hart has materially changed his views as to the slavery-extension cause of the war, and now says: "The annexation of Texas was logical and delayed only by the accidental connection with slavery."—*National Ideas Historically Traced*, Albert Bushnell Hart, New York, 1907, p. 26.

[1] *Thirty Years View*, Thomas H. Benton, New York, 1854, p. 600.

[2] *Ibid.*, vol. ii., pp. 581–599.

"The power of annexation by treaty had been car-

by joint resolution. No one can fail to surmise that jealousy for the prerogative of the House of Representatives was not the sole motive for preference of that method. A party having a majority in each house, and lacking the requisite two thirds for making a treaty in the Senate, would be very apt to have its views of constitutional obligations lean toward the method of annexation by joint resolution—a method originally proposed by Stephen F. Austin and definitely described in the instructions of J. P. Henderson, Texan Secretary of State, to Memucan Hunt, Minister to the United States, December 31, 1836.[1]

It does not follow that because of prejudices the method is not constitutional, nor that it is not the best method. Since the annexation of Hawaii, it will probably stand as the generally accepted procedure.

The fact for history to concern itself about is that the debates and scruples as to methods of procedure were an obstacle to annexation,

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ried to annexation even without treaty."—*American Political History*, Alexander Johnson, New York, 1906, pp. 71–72.

[1] *Southwestward Extension*, George Pierce Garrison, New York, 1906, pp. 92, 93, 94.

and probably delayed it until the people of the United States had been heard from in the election of Polk.

"The Texan question was, after all, the real issue of the campaign. In this respect Polk's position was perfectly clear." [1]

The question of the annexation of Texas was the principal issue in the campaign of 1844. And yet the Whig platform was silent upon it. It is probable that they feared openly to oppose a measure which had aroused the national pride and enthusiasm.[2]

There is an amusing discrepancy in the ideas of political inheritances of administrations, as discovered by historians. The evils of Jacksonianism were entailed by his biographer on three subsequent administrations. In concurrence with Von Holst, Sumner says, "The Mexican War was forced on by a Cabinet intrigue, and Tyler forced it on Polk." [3] But Garrison accuses Tyler of anticipating Polk in the fruit of his victory; and

[1] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 258.

[2] *History of Political Parties in the United States*. James H. Hopkins, New York, 1900, p. 70.

[3] *Andrew Jackson*, William Graham Sumner, Boston, 1882, p. 358.

Johnson says: "Tyler forestalled Polk, and leaped at the chance of ending his presidency with the éclat and the honor of annexation."[1]

Tyler gives the inside facts. The action of the British envoy was so full of machinations to defeat annexation that delay seemed to President Tyler to be inadmissible.

> He directed Mr. Calhoun to wait upon Mr. Polk and submit to him the instructions to our agent in Texas. Mr. Calhoun did as he was directed, but Mr. Polk declined any interference in the matter, and was understood by his silence as concurring, or at least acquiescing, in Mr. Tyler's course—[2]

which was to hasten Texan acceptance of the terms offered by the United States.

This was characteristic courtesy, on the part of an exceptionally mannerly gentleman, even in the presidential office.

John Tyler will always stand charged by the larger section of an intelligent people with the gravest political error in standing to States' rights and the pro-slavery cause, although himself an emancipationist.

[1] *A Century of Expansion*, William Fletcher Johnson, New York, 1903, vol. ii., p. 71.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 363.

The charges brought against him by modern historians and ancient fire-eaters (who could, as he said, be found in every section) of allowing rude and unmannerly correspondence with Mexico, through the Secretary of State and the diplomatic representatives of the Government of the United States, and so conspiring with other Southern leaders to force a war of aggrandizement, must provoke a smile of derision, which perforce widens to a grin when it is remembered that the accusation implies that he made Daniel Webster his Secretary of State, and employed him as his first choice for his chief instrument in so indecorous a purpose.

Nor will Mr. Tyler find himself in especially crude and ill-mannered company when, in a later chapter, he is brought into association for answering the same charges with other Secretaries of State—Martin Van Buren, Edward Livingston, Louis McLane, John Forsyth, Hugh S. Legaré, Abel P. Upshur, John C. Calhoun, and James Buchanan. Whatever other charges may be harbored or sustained against these gentlemen, it will require proofs of a quite unmistakable nature to induce the belief that they were oblivious

of the duties or the advantages of decorum, of parliamentary skill and diplomatic etiquette, or wished to write themselves down as incapables.

The direct and finally prevailing causes for war with Mexico—the concrete and measurable causes—have not been touched upon in this chapter. Those yet to be considered are more important in their results and in the insufferable nature of their manifestation. They were more hopelessly unavoidable, and involved more enduring interests—interests continued from a previous generation and embracing centuries of outlook, yet neglected by philosophical historians because not falling into line with the prescribed logic of charging a wrong to slavery extension, which has enough undoubted sins to answer for.

It must be noted, however, before losing sight of the imponderable, and perhaps sentimental, impulses or motives to war with Mexico, that, according to Professor Woolsey's schedule of justifying causes for war as applied to the war for Cuban independence, they were ample. To go to the official record, and to an example which, involving no constitutional questions and no

internal dissensions or struggle for sectional political supremacy, received the enthusiastic support of the whole people of the United States, and its underlying principle the consent of the peoples of the world, rehearsing in a preamble

the abhorrent conditions in Cuba, so near our own borders . . . which have shocked the moral sense of the people of the United States, and have been a disgrace to Christian civilization—culminating in the destruction of a United States battle-ship with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Havana—and cannot longer be endured, the Senate and House of Representatives resolved: I. That the people of Cuba are and of right ought to be free and independent. II. That the Government of the United States demands that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters. III. That the President be directed to use the entire land and naval forces to carry this resolution into effect.[1]

The case of Mexico in Texas differed from that of Spain in Cuba in that:

[1] *Joint Resolution* No. 21, April 20, 1898, 30 Stats. at Large, p. 738.

1st. Spain had large districts under control in Cuba; Mexico had not so much as a fighting chance to establish control over any part of Texas. Texas in 1845 had been practically independent for nearly nine years.[1]

2d. The cruelties in Cuba had been continued "three years"; those in Texas nine, plus the long period prior to the Texan revolution.

3d. The abhorrent conditions in Cuba had been without the avowed sanction of the Spanish Government, but under the orders of a commander (Wehler) who had been withdrawn. Our own naval board of inquiry as to the blowing up of the *Maine* had reported that the explosion was from the outside, but by whose agency could not be determined. The abhorrent conditions in Texas were by the direct and avowed orders of the sole government of Mexico, the dictator Santa Anna, and of preconceived purpose, fully authorized by his creature, the Mexican Congress, in deliberate record of his enactments.

4th. The excesses in Cuba had been

[1] *Westward Extension*, George Pierce Garrison, New York, 1906, p. 149.

committed mainly against a race alien to us. Those in Texas were inflicted on our own kin, settled in Texas by Mexican invitation and land grants.

5th. The disorders in Cuba "near our own border" were across intervening seas. Those in Texas were absolutely adjacent to our territory, divided from it only by the scanty waters of the Sabine and a long imaginary line.

6th. The blowing up of the *Maine* was a single incident, though of terrible consequence. The attacks on our ships and flag by Mexicans had been many and, for a long time, continuous.

The impulses and motives thus far mentioned did not bring about the annexation of Texas nor the sequent war. "In 1837 the Texan Government proposed to Van Buren the annexation of Texas to the United States, but Van Buren declined."[1] All these motives had been urged by Austin and Memucan Hunt, authorized agents of Texas, the latter her Minister in 1836. They had the support of the enthusiastic propaganda which has already been summarized,

[1] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 235.

and which has been magnified by historians into the great and only cause of the war—sufficient unto itself. And the United States for nine years refused to break the peace with her malignant and insolent but feeble neighbor. Twice the Senate refused to ratify a treaty for annexation; as late as April 22, 1844, by a more than two thirds vote against ratification, 35 to 16, while two thirds was required to ratify. The patience and forbearance of a nation with "a manifest destiny," the clemency of the wolf, had not been exhausted.

# CHAPTER X

## CLAIMS AND CORRESPONDENCE

NO article of the impeachment of the United States for her conduct toward Mexico has been urged with bitterer indignation than the alleged impositions in preferring claims for Mexican encroachments on the persons and property of American citizens, and the manner of their presentation. The unsettled condition of the Spanish and Mexican governments, the inadequacy of their navies to crush the pirates sheltered in the gulfs and sounds of their coast, and the want of character in many of their officials, military and naval, had naturally resulted in many offensive acts for which compensation had been demanded by the United States, England, and France. That these claims were presented by the United States in an undiplomatic and offensive manner, is, of course, a charge

which should be substantiated by proofs and specifications citing the obnoxious papers. The charge is maintainable, if at all, by record evidence; no other proof or opinion is admissible; and in a matter susceptible of record proof by citations, out of a vast mass of official papers, there is less justification than in any other case for putting, or attempting to put, the defence to the proof of a general negative. It is quite enough answer to Mr. Schouler's phrases "the greater harpies of the United States" and "a Pizarro," to observe that the manner of the nations aggrieved by Mexican breaches of international obligation, in enforcement of demands for indemnity, had been this: England had threatened to send an admiral and his squadron, and the fugitive rebel Mexican General Arista, from her station in Jamaica, to make collection of her claims; and got her payment. France sent a fleet, battered down the castle of San Juan d'Ulloa; and got her payment.

The United States agreed to arbitrate her claims; and eventually paid most of them herself to such citizens as proved claims, reserving the amount out of the sum she paid Mexico at the close of the war.

Dr. Sparks and others intimate that the claims as presented were excessive because, while $8,000,000 were claimed, only $3,000,000 were eventually allowed by the commission.[1] The claims were very largely for personal injuries and detentions; the "thirteen revolutions" Dr. Sparks mentions as having "taken place in twenty years," and the neighborhood of pirates, made very great the difficulty of fixing responsibility. Any young practising lawyer of Chicago can advise the historian that forty per cent. is an unusually large proportional amount to recover of damages asked in complaints, even in complaints sustained by judgments. Schouler calls the spoliation claim a "convenient weapon" for Jackson. Sumner says:

> A correspondence now began between the representatives of the governments of the United States and Mexico, which no American ought to read without shame.[2]

Again:

> In 1836 the Government of the United States opened a new battery against that of Mexico in

[1] *The United States*, Edwin Earle Sparks, Part II., New York, 1904, p. 139.

[2] *Andrew Jackson*, William Graham Sumner, Boston, 1882, p. 356.

the shape of a series of claims and charges. . . . Powhatan Ellis performed his duties in such a rude and peremptory manner that one is forced to suspect that he acted by orders [*i.e.* that the indecorum was chargeable to John Forsyth]; the charges were at first fifteen in number, then forty-six, then fifty-seven, and bear the character of attempts to make a quarrel. Ellis abruptly came home.[1]

Elson goes a step further; he says: "Jackson even demanded damages from Mexico and threatened reprisals, when the damage claims should have come from the other side." This piece of history in the face of the award of a commission of arbitrators.

Von Holst, Sumner's authority for impeaching Powhatan Ellis' manner in correspondence, relying on the authority of Jay,[2] declares: "It is rare indeed that diplomatic history exhibits a series of *natural complaints*, so trivial in themselves, urged with so much spleen and arrogance on the one side, or met with so much fairness and good temper on the other." This manner of writing history shows one rather passion-

[1] *Andrew Jackson*, p. 358.

[2] *A Review of the Causes and Consequences of the Mexican War*, William Jay, Boston, 1849, p. 45.

ate writer quoting the opinion (no statements of facts) of another more impassioned; he in turn quoting the opinion of one of the partisans of the day of the questioned occurrences. The first bare fact alleged is, however, traced to Jay[1] who quotes Pendleton of Virginia as authority for the statement that there was among the claims a foolish bill for 56 dozen bottles of porter, $1690, with 6 years' interest, $6570 (!), on which Mexico was obliged eventually to pay a total of $8260. This would look very much like evidence of one swindle on Mexico if it had not been thrown out.[2]

Schouler continues condemnation of the manners exhibited by our diplomatists to the last effort (to be considered later) which Slidell was supposed to make for averting the war: "Despatches more contemptuous of a country to whom an apology was owing were never penned."[3] Yet James Buchanan, a peculiarly formal old gentleman (to our sorrow as a nation, over-formal in an emer-

[1] *A Review of the Causes and Consequences of the Mexican War*, p. 73.

[2] *Constitutional and Political History of the United States*, H. Von Holst, Chicago, 1881, vol. ii., p. 606.

[3] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 525.

gency), did not discover anything improper—though Secretary of State at the time; nor does George Ticknor Curtis in his biography.[1]

Carl Schurz is so impressed with the wickedness of the United States diplomats that he denounces it twice—he does not make any specifications, nor offer any proof; but he does quote an opinion, tracing the phrases of blame and shame to their source:

> Claims were presented to the Mexican Government and satisfaction demanded in language so insulting that, as John Quincy Adams said, "No true-hearted citizen of this Union could witness the proceeding without blushing for his country."[2]

"John Quincy Adams was a master of sarcasm and invective,"[3] and there probably is nothing to be found in the correspondence in question as severe as the language he was in the habit of addressing to his fellow-congressmen. He called them skunks once in his diary, if Tyler does not misquote him.

Popularity in any deep sense was denied him.

[1] *Life of James Buchanan*, George Ticknor Curtis, vol. ii., p. 449.

[2] *Life of Henry Clay*, Carl Schurz, vol. ii., p. 93–178.

[3] *History of the United States*, James Ford Rhodes, New York, 1900, pp. 71–77. Note 2.

This deprivation he repaid by harsh, vindictive, and censorious judgments upon his contemporaries.[1]

In referring to such evidence at all as Adams' opinion, quoted by Mr. Schurz, it is not intended to admit it as authority by any means; nor yet to speak with any disrespect of the fiery old debater and cunning parliamentarian, on whose voice for so many days and years rested in great measure the defence of the right of petition and the freedom of speech. But it is intended to rebuke, so far as it is in the power of the reviewer, the historians who will take a single exasperated statement of opinion of a passionate old man and unflinching partisan, pass it off for historical authority, and cite it, as if a fact, in evidence of grave official misdemeanor. When a session of the House of Representatives had resembled too much a bear-bait, and the bear had kept within parliamentary rules in cuffing back his tormentors, and had come home tired and hot and worn of temper to comfort himself with writing in his diary, or his memoirs, what it would have called down the Speaker's

[1] *Rise of the New West*, Frederick Judson Turner, New York, 1906, p. 179.

gavel to have said in the House, is it good research for a historian to dig down into such papers, or his talk, or some other expression not specified, not for a fact (if John Quincy Adams testifies anywhere that anything is a fact, it is evidence enough to anybody), but for a bitter phrase to describe the action of an adversary, and announce that as the summary of a mass of unquoted correspondence?

So far as is disclosed by a reasonably extended and careful search, the charge by the historians that the correspondence of the United States with Mexico was disgraceful, is unsupported by the citation of a single piece of evidence;[1] and it would be sufficient

[1] *Westward Extension*, Professor George Pierce Garrison, New York, 1907, p. 190, is an exception, published since this review was written. He says Ellis' demands on Mexico were made in a letter "more forcible than diplomatic"; and he cites the House Executive Documents, 24th Congress, 2d session, No. 139, pp. 60–67, in which I find nothing which strikes me as more "forcible" than the letter of Powhatan Ellis to Monasterio, Mexico, Oct. 20, 1836, which calls attention to note of the 26th, ult., and says:

"In presenting so urgent a representation as he did on that occasion of the wrongs of which his Government has such just cause to complain, the Undersigned indulged the hope that a returning sense of justice on the part of the Supreme Mexican Government would

criticism to leave the subject at this point. But there are some interesting, disconnected bits of evidence accessible which, while not, perhaps, sufficient to prove a general negative, exhibit clearly enough that a veracious historian, if not ignorant of them, should have stated them, as indicating some exceptions at least to the broad general statements above quoted.

It is necessary to the understanding and characterization of the diplomatic correspondence to know something of the claims which were the subject of the correspondence. These cannot well be followed in their order; nor will brevity permit separating always the claims and the correspondence, or reviewing more than a few examples.

The great, salient, and undisputed facts, which are the main evidence as to the question in its large scope, are that in 1837

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have induced it to enter into a speedy arrangement of all alleged causes of complaint against it; but he has seen with regret that his expectations thus far have not been realized. Now he has only to inform Your Excellency that, unless redress is offered without unnecessary delay in the several cases heretofore brought to the notice of this Government, the longer residence of the undersigned as the representative of the Government of the United States near that of Mexico will be useless."

claims unadjusted had accumulated against Mexico such and so many that Jackson had declared "they would justify in the eyes of all nations immediate war,"[1] and the Committee on Foreign Relations had reported a resolution to Congress requiring a final demand to be made for redress.[2]

There had been repeated acts of violence, robbery, and insult to the flag of the Union. For these acts the United States Government with great forbearance sought reparation. Notwithstanding the most earnest remonstrances these depredations did not cease. The frequent changes of rulers in Mexico gave opportunity for new outrages and seemed to remit the responsibility of the Mexican Government for old ones. The injuries and insults after the treaty of 1831 increased rather than diminished. The grievances of American citizens, the hot debates in the Mexican Congress, and the arbitrary and insulting conduct of the Mexican officials toward the representatives of the United States

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, pp. 31–35.

[2] "If the mission fails of a speedy and definite statement this House will sustain the executive in any ulterior measures which may become necessary."—March 2, 1839, *House Journal.*

were used successfully to cover the aggressive designs of the Administration.[1]

Unfortunately Mr. Ladd cites no authorities for any of his statements; and how Mexican insults to the flag and other injuries could be used to cover aggressive designs by the United States, it is difficult to understand, except as may appear from undue urgency in collection, or orders to generals in the field—which will be discussed in the proper place.

Some of the dissensions arose on the Pacific coast. Commodore Jones, U. S. N., with the Pacific squadron, was ordered to take no hostile steps, though directed "to explore the coast within the Gulf of California and as high as the port of San Francisco, out of regard to the protection necessary to the American inhabitants in a country which owned a nominal allegiance to Mexico."[2] Nominal allegiance was not attended by the protection of actual government or policing.

Sumner is over-mild in the statement of the number of claims presented; or the

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 33.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 266.

offences were more numerous as the years progressed. In the award of the commission of the United States (after the war and the assumption of payment of claims by this government)—George Evans, Caleb B. Smith, and Robert T. Paine, commissioners,—transmitted by Daniel Webster, Secretary of State, February 11, 1852, there are reported:

| | |
|---|---|
| Claims presented | 292 |
| Claims rejected for not setting forth facts which if proved would constitute valid claims against Mexico (viz. overruled on demurrer) | 40 |
| | 252 |
| Allowed | 182 |
| Rejected | 70 |

The Arbitration Treaty was concluded in 1839. The term of the commission expired in 1842, with many claims unadjusted.[1]

The date of final adjustment ought to be taken as indicating great patience on the part of the United States with Mexico. It has been construed as part of the plot to keep up and protract dissension until a war could be forced, and California included in the spoils.

[1] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 235.

"It was *suspected* [*sic*] that they [the claims] were purposely kept an open sore."[1]

At least a part of the delay was by reason of Mexican dilatoriness—or worse. The United States Commissioners for adjustment of claims against Mexico—W. L. Marcy, afterward Secretary of State, and John Rowan, ex-Senator from Kentucky—reported May 26, 1841 (Baron Roeme was appointed umpire by the King of Prussia),[2] that they had proceeded to Washington July 23, 1840; the Mexicans had not arrived, and they adjourned to August 17th. The Mexicans then insisted that the claims should be presented not by individual claimants but by the State Department of the United States; and they were then so presented. Requisitions were made on the Mexican Government for official documents requisite for claimants' proofs. At date of the report, in only two cases out of eleven had the requisition been complied with. Many of the claims depended for a legal statement on judicial and other Mexican documents. These documents Mex-

[1] *Life of Henry Clay*, vol. ii., p. 235.

[2] "The King of Prussia is the Umpire and is represented by his minister here."—*Niles' Register*, 1840, p. 274.

ico, in the convention for arbitration, Article IV, had promised to furnish on requisition. Requisition was made in due form, but the American Commissioners, William L. Marcy and H. W. Breckenridge, report April 23, 1842:

> *First*—Mexico has wholly omitted to send even a moiety of the documents . . . and no reasons are given to the board. *Second*—several of the documents actually sent are on the face of them not full records, but refer to other acts which ought to appear in the same, but do not. *Third*—there are discrepancies between documents thus transmitted from Mexico to the board and others equally authenticated which, without explanation, mutually destroy each other's credit.

The character of the claims against Mexico may be gathered in part from the list presented in the final award, and in other part, perhaps, by diligent research among the papers filed by claimants, which, however, even with the awards for check, would be biased statements. Many of the claims were for the seizure of American vessels; others for murder, robbery, imprisonment, spoliation of American citizens by Mexican officials. Some of these claims had been

adjudicated and had remained for a long time unpaid. The claim founded on the seizure of the American vessel the *Cossack*, and cargo, rested on a judgment of the Supreme Court of Justice in Mexico.

William Hallett and Zalmon Hull had been taken from the house of the American consul at Matamoras and held under arrest as spies.[1] In the sack of Zacatecas the property and lives of peaceful American merchants had been taken.[2]

A trading and exploring expedition from Austin, Texas, to Santa Fé, armed, but insufficiently, against the Indians, who nearly destroyed them, attempted to take refuge in Santa Fé; but were all held as prisoners by the Mexican governor, and barbarously treated. There is no doubt that if the inhabitants of Santa Fé had shown a courageous disposition to claim Texan citizenship, this Texan expedition would have assisted them in throwing off the Mexican control and asserting the Texan jurisdiction—the town being within the territory acknowledged as

[1] *Senate Documents*, 2d session, 24th Congress, vol. 2., Doc. 160, pp. 134–8.

[2] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. ii., p. 143–4.

Texan by the treaty of Velasco, that is, being east of the Rio del Norte.

Some of the members of the party claimed American citizenship, among them George Wilkins Kendall, who was a traveller, partly for his health, and who had passports and letters from Mexican authorities. He wrote a full account of the expedition and his experiences as a prisoner in a vivid and entirely convincing style. Among the Mexican offences he noted are these:

Samuel Howland, a native of New Bedford, Mass., in a daring attempt to escape and give important information to Colonel Cook's party, not yet captured, was wounded, recaptured, bound, and shot in the back by orders of Amijo.[1]

"Golpin, a merchant and a citizen of the United States, was too sick and weak to keep up." (The expedition had not been able to distinguish whether they were on the branches of the Red River or the Arkansas; had completely lost their way,[2] and arrived in Santa Fé in a condition of suffering and exhaustion which elsewhere would have

[1] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. i. p. 305.

[2] *Ibid.*, p. 249.

awakened compassion.) Salazar the Mexican commandant started them at once on foot for the City of Mexico.[1] "Golpin had made a bargain with one of the guard to ride his mule for a short distance, for which he was to give him his only shirt." While in the act of taking it off Salazar ordered a soldier to shoot him. "The first ball only wounded the wretched man, but the second killed him instantly with the shirt still over his face."[2]

"Griffith had been wounded by Indians. When, too weak and lame to travel, he sank to the ground, he was told by a soldier to rise or he would obey the orders of Salazar to put to death all who could not keep up. He made one feeble and ineffectual attempt. The brutal miscreant knocked his brains out with a musket. His blanket was then stripped from him as the reward of his murderer, his ears were cut off, and he was thrown to the buzzards and wolves."[3]

While Gates was dying of inflammation of the lungs, a Mexican twice snapped a gun

[1] *Narrative of the Texan Santa Fé Expedition*, vol. i., p. 365, and vol. ii., p. 14.

[2] *Ibid.*, vol. ii., p. 14.

[3] *Ibid.*, vol. ii., p. 17.

in his face, apparently enjoying the torture he was inflicting. His ears were cut off.[1]

Major Bennett, the quartermaster (of the expedition), "was a native of Massachusetts, born and educated among the descendants of the Puritans; he knew the Bible almost by heart and was always ready with a passage from that book with which to illustrate or point his discourse; he had been a lieutenant in the United States service at Bridgewater and Lundy's Lane, and was wounded in several places at the battle of Victoria in the Texan service. He had the small-pox in the prison in the city of Mexico."[2] The prison was crowded with small-pox patients and lepers.

In citing, not opinions but testimony of an eye-witness, and an excellent observer and recorder, it is a relief to interpolate one of his illustrations of the kindness of many of the Mexican people to which he gratefully and amusingly testifies, contrasting them with the infamous brutality of their rulers. Mr. Kendall says he was himself "raised far enough 'down east' to have a natural fondness for codfish and potatoes" and a dish of

[1] *Narrative of the Texan Santa Fé Expedition*, vol. ii., p. 24.

[2] *Ibid.*, vol. ii., p. 218.

it was sent to him, to his great and almost pitiful delight, by a talented Mexican lady, wife of a native of the sea-coast of Massachusetts resident in the city of Mexico.[1]

It did not seem to inmates of Mexican prisons that the diplomatic service of the United States was criminally impetuous about securing proper treatment and speedy trial for such of them as had claims to the protection of American citizens.

The Texans jeered at them for the indifference of their government; and Kendall says:

> The fact is notorious that a fear of losing political influence has induced those in power [in the United States] to sacrifice the independence and jeopard the honor of the country on more occasions than one.
>
> Full well does the Mexican Government understand this weak point in our foreign policy; else we never should hear of our countrymen being arrested, robbed of all their evidence, denied a hearing, thrust into loathsome prisons among malefactors, compelled to labor in chains, and all to gratify the caprice or feed the revenge of some such tyrant as Santa Anna.[2]

Imprisoned unjustly in one of the vilest

[1] *Narrative of the Texan Santa Fé Expedition*, vol. ii., p. 246.

[2] *Ibid.*, vol. ii., p. 212.

holes in Christendom, surrounded by loathsome wretches whose very aspect was enough to drive one to desperation [lepers and small-pox patients], shut out completely from the world, taunted almost daily by my Texan comrades with invidious comparisons between my own government and that of Great Britain in looking after the rights of their subjects.[1]

Kendall was not kept informed of what was being attempted, and what probably was being hindered by factious opposition.

As to Santa Fé prisoners Mr. Webster warmly interposed, and sent special instructions to Mr. Ellis.[2]

It may seem to be a weak conclusion to pass from official protests, and the words of an eye-witness who had in person suffered from Mexican outrages, to citations of opinion; but it would not be justifiable to omit the summary of evidences by two men who had exceptional means of information and were generally careful or even reticent in their manner of speech.

"The claims against Mexico," in Tyler's

[1] *Narrdtive of the Texan Santa Fé Expedition*, vol. ii., p. 266.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 257.

opinion, "had their origin in the most abominable spoliations on the property of our citizens."[1]

General Cadmus M. Wilcox believed that "The ill feeling caused by the wanton attacks on the rights, persons, and property of American citizens for over forty years must have culminated in war, even had the Texan question not been agitated."[2]

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 283.

[2] *The History of the Mexican War*, Cadmus M. Wilcox, Washington, 1892, p. 2.

# CHAPTER XI

## CORRESPONDENCE

THE character of the claims against Mexico was not such as to render agreeable any interchange of communications in regard to them; and the motives which have already been considered tended to anything but facilitating diplomatic interchanges. Diplomacy has its troubles.

On the one side was a nation accused of piracy, larceny, and murder; on the other a government accused of breach of neutrality and land-grabbing intentions—a formidable party in the latter leading in the vehemence of the accusation. Mexican diplomatists endowed with brains enough to be intrusted with the care of Mexican relations with the United States must have been aware that the conditions in Texas were not creditable to Mexico either in the failure of Mexican administration before the Texan war, in

the manner in which that war had been conducted, in the immediate repudiation of the treaty of Velasco, or in the ridiculously futile attempts of Mexico to make any one believe, since the battle of San Jacinto, that there was still a war. For there was until the annexation of Texas a terrible war on paper waged between those eloquent belligerents Santa Anna and Sam Houston; the former threatening to "drive the Texans across the Sabine,"[1] and the latter to "plant the lone star flag on the isthmus of Darien." But other than brave words there was nothing doing. There was nothing like it until professional pugilists contested the championship belt in the newspapers.

A few raids of Indians and Mexicans into Texas at San Antonio, Goliad, and Salado Creek had been promptly repulsed, and one or two Texan attacks on Mexican posts to the south of the Rio Grande had met defeat. At Salado some Texan prisoners were taken, and while being marched to the dungeons of the City of Mexico, made a heroic effort at escape; but were recaptured, and Santa Anna ordered them to be shot. On joint protest

[1] By which, perhaps, he meant the Nueces, which was early known as the Western Sabine.

of the foreign ministers he substituted decimation. The remaining nine tenths were condemned to servile labor, hitched to wagons, and set to hauling rocks.

Mayne Reid made the sufferings of these prisoners at Meir and Salado the basis of his story *The Free Lances*.

The consciousness that their country was attracting the unfavorable attention of foreign powers—to whom Houston's ministers were making constant protest against the guerilla and pirate methods of harassing, rather than attacking, Texas—must have had a disquieting effect on the nerves of Mexican diplomats. The consciousness that its language was deserved would not have made more palatable the dispatch, for instance, of Daniel Webster dated January 31, 1843:

Mr. Webster instructed the American Minister at Mexico to remonstrate in strong but kind and friendly language against the marauding mode of warfare carried on against Texas, in open violation of the rules recognized by all Christian and civilized States in modern times; and further stated that unless Mexico in a short time made peace with Texas, or showed a disposition and an ability to prosecute the war with a respectable force, the United

States had it in contemplation to remonstrate in a still more forcible manner.[1]

It will require a diligent search to find anything in the correspondence any agent of the United States ever addressed to the Mexican authorities which would cut deeper than these words of a most distinguished statesman and Secretary of State. The most bitter significance in the dignified protest is that it was fully deserved; for in her infatuation Mexico was constantly adding to her old list of offences new affronts to civilized humanity.

Among the early barbarities recounted by Yoakum, as short-sighted as brutal, was the affair at Agua Dolce; an affair the effect of which on diplomacy between the United States and Mexico cannot fail to be imagined even if not directly traced. There had been a sharp little battle; the regular programme followed, the slaughter of all the wounded and prisoners that had fallen into the hands of the Mexicans. Dr. Grant alone was made an exception. He was detained as a captive by General Urrea (the butcher

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 260.
Senate Documents, 1843–4, Doc. 341, p. 69.

of Goliad) that the Mexicans might have the benefit of his services in attending their numerous wounded; for which he was promised a passport. After he had done all that could be done for their wounded comrades, he was tied to a wild horse, told "This is your passport," and torn to pieces.[1] Urrea was not present at the actual murder of Dr. Grant; but it incapacitated him, perhaps, even more for a witness, or a man of honor, that he screened his guilty subordinate from investigation by a false official report of the brutal murder of a prisoner who was under his own special protection, and to whom he was under the most delicate debt.

That this particular case had been brought to the attention of the Department of State is only a probability or a conjecture. That it had not been brought to the notice of Mr. Powhatan Ellis is next to impossible. That it did not put his temper, even as a diplomatist, to the severest strain is to believe him to have been something more than human and less than humane.

If his conduct of negotiations was ever discourteous, much ought surely to be pardoned

[1] *History of Texas*, H. Yoakum, New York, 1886, vol. ii., p. 84.

to a man put in his position. When he started an inquiry of the Mexican authorities as to the ground for detention of William Hallett and Zalmon Hull, taken, under the charge of being spies, from the house of the United States Consul at Matamoras—a breach, of course, in itself of United States sovereignty—Monasterio, the acting Mexican Minister of Foreign Affairs, enclosed to Mr. Ellis a letter of instruction to himself from Tornel, Secretary of War, quoting the statement of General Urrea, the hero of Goliad (La Bahia) and Agua Dolce. There does not seem to be any just ground of suspicion that Mr. Ellis expressed disgust or incredulity in any undiplomatic form. He ought to have kept a diary, like John Quincy Adams. Perhaps he did.

It is true that Mr. Ellis demanded his passports before negotiations had made much progress, and somewhat suddenly. December 9, 1836, the Mexican Minister, between whom and the United States Foreign office had been the more important correspondence, withdrew from Washington. Mr. Forsyth, of course, immediately notified Mr. Ellis, who received the information, with a well-considered expression of Secretary

Forsyth's regret, December 13th. After the Mexican refusal to communicate with his chief, Mr. Ellis could not courteously remain long in Mexico.

The correspondence of Mr. Ellis was not of grave importance, relatively. The suspicion of Professor Sumner that he "acted by orders" is certainly a reasonable inference. A diplomatic agent is very apt to conform to his instructions from the Secretary of State, especially if the Secretary is himself personally conducting the principal negotiations.

There does not seem to be any proof offered, however, for the intimation that under the circumstances he "performed his duties in a rude or peremptory manner"[1]; and, so

[1] Since this chapter was written Professor Garrison refers in *Westward Extension*, New York, 1907, p. 190, to House Executive Documents, 24th Congress, 2d session, No. 139, pp. 60–67, as indicating that Ellis' letters were "more forcible than diplomatic." Possibly the following extracts may seem more strenuous than the letter quoted from on p. 171 (note) *supra*. No others seem more peremptory than Ellis to Monasterio, December 7, 1836:

Speaks of charges made by each side against the other, and continues: "Your excellency requests that a full statement of all claims on the part of citizens of the United States may be presented for consideration;

far from his being under instructions to that effect, Mr. Forsyth's written despatches were well-tempered and conciliatory.

From May 14, 1836, the more important diplomatic correspondence between the United States and Mexico, of which Mr. Ellis' communications were a supplement, was taking place in Washington between Senor Don Manuel Eduardo de Gorostiza, Envoy Extraordinary and Minister Plenipotentiary of the Mexican republic, and John Forsyth, Secretary of State, until September 28th, when Mr. Forsyth retired from personal conduct of the correspondence, and substituted for himself

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but, from the manner in which those already in the possession of this government have been disposed of, the undersigned can see no good likely to result from such a course. If those that might be presented should be all acknowledged as just, yet so long as the several unprovoked and inexcusable outrages inflicted on the officers and flag of this country which have been heretofore submitted to the Mexican Executive remained unsatisfactorily answered, I would have but one course to pursue." . . . Requests his passports.

December 27th, he writes to Secretary Forsyth, forwarding copies of two notes of Mr. Monasterio, one of which contained a request to be informed of the causes of his proposed departure from the Mexican republic. He adds: "I can view such an inquiry in no other light than as an uncourteous refusal of my passports, and therefore I deem an answer to it unnecessary."

the Hon. Asbury Dickins. The only exception taken to the form of the United States' papers in this correspondence was the use of the phrase "contested territory" instead of "Mexican territory" as applied to Texas. As the battle of San Jacinto had been fought, and the treaty of Velasco signed, prior to the opening of the correspondence, which related chiefly to neutral obligations, it would seem to be as far as diplomatic courtesy could go, to admit that the territory was contested at all at that date. It certainly was all that could be conceded and maintain an acceptable attitude, as a neutral, to Texas. Don Gorostiza demanded that a Texan vessel which was said to be armed, and to have helped blockade a Mexican port, be seized and its crew treated as pirates, which surely would not have been consistent with neutrality in the war which Mexico asserted was in progress. His chief insistence was that General Gaines should not be permitted to cross the Sabine, that any suppression of Indian raids must be left to Mexico anywhere west of the Sabine, and that President Jackson should promise in no event to send troops to the west of that river. Not securing compliance with these demands, Don Goros-

tiza demanded his passports. Diplomacy failed to reconcile wholly discrepant views of the obligations of the two countries. It was this vital discrepancy which terminated the negotiations. It was not due to discourtesy of American diplomats. In his letter requesting his passports, Don Gorostiza added to the usual and formal compliments and assurances of distinguished consideration, the promise to "ever bear in mind the frank and noble manner in which Mr. Dickins has acted toward the undersigned on occasions which were in truth by no means agreeable and in affairs which, from their nature, were much less so."[1] Jackson's message informing Congress—December 5, 1836—of the close of diplomatic relations with Mexico was admirably conciliatory in tone.

The gist of disagreement was the sending Gaines across the Sabine, into territory which, as Texas had not yet been formally recognized, was technically Mexico's.

Forsyth's letter to Ellis, December 9th, was a well-tempered, able exposition of why it seemed necessary to make such defence

[1] Correspondence between Mexico and the United States from May 14 to October 20, 1836, etc., Senate Documents, 2d Session, 24th Congress, p. 105.

against the Indians about Nacogdoches, and hoped "the Mexican government would not construe the justifiable precaution for frontier defence made necessary by its [the Mexican government's] known inability in execution of the stipulations of our treaty into an encroachment upon its honor."

The advance of Gaines was the onus of Mexican complaint. It should be noted in passing that an administration really desirous of bringing on a war had several favorable opportunities offered in the withdrawal of ministers and insults to the flag.

The writers of histories have not failed to charge the pro-slavery administrations with sufficient blame for the Gaines invasion. Brady classes it with other (unspecified) "breaches of international comity and flagrant violations of international law which had aggrieved Mexico almost to the breaking point."[1]

Elson charges it upon Jackson that he "sent an army under Gaines 'to keep Texan Indians off our soil,' but in fact" (a fact assumed by the historian) "to connive with Houston. Gaines' troops deserted freely

[1] *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 156.

and joined Houston,"[1] a not improbable circumstance; soldiers condemned to inactivity often desert to a more active service which has their sympathies.

Schouler calls the Gaines "invasion" "the Florida trick over again, conceived by the same brain."[2]

Gaines' command was used as an army of observation. Sumner states the facts fairly.[3] "Jackson had ordered that General Gaines" (who was posted near the Sabine) "should enter the territory of Texas and march to Nacogdoches" (not "seize it," as Brady alleges) "if he thought there was any danger of hostilities on the part of the Indians and if there was suspicion that the Mexican general was stirring up the Indians to war on the United States." It is to be supposed that reasonable suspicion and anticipation of danger is intended. Professor Sumner adds his own suspicions, and by way of innuendo: "Here we have another remin-

[1] *History of the United States*, Henry William Elson, New York, 1904, pp. 496 and 497.

[2] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 253.

[3] *Andrew Jackson*, William Graham Sumner, Boston, 1882, p. 356.

iscence of Florida revived; Gaines understood his orders, and entered the Mexican territory."[1]

Without at this point entering into the question of boundaries on the sources of the rivers of the Gulf and of the Mississippi watershed, it is enough for the present purpose to remember that the boundaries between the United States and Mexico or Texas in the Red River region were uncertain. When there was an Indian uprising it would be uncertain on whose territory a defending or avenging column was advancing. We have considered in a former chapter the especially dangerous numbers and hostility of the Indian tribes which had formerly driven back Mexican frontiers to Chihuahua and Tamaulipas. A provision had been inserted in the treaty of 1831 agreeing that troops of either nation would suppress Indian uprisings which threatened the inhabitants of the other. Generals Santa Anna, Cos, Filisola, and Sesma had been pursuing Houston through Texas, and following close on the trails of old men, women, and children flying to Nacogdoches, when Jackson took the first measures looking toward policing

[1] *Andrew Jackson*, p. 356.

the Indians over the Sabine. The Campeachy Indians had been the Mexican allies, and perhaps turned the tide of battle at Goliad and its accursed butchery. Driven out of Texas by the battle of San Jacinto, Mexico was keeping up a war of words and guerilla raids aided by Indian uprisings. There was especial danger at Nacogdoches. "There was an actual outbreak in which the Caddoes from east of the Sabine were credibly reported to have taken part."[1] The immediate peril was averted or postponed by Gaines' crossing the Sabine; or the plans of Texas' and America's enemies developed with less rapidity than had been feared. That there was danger of greater outbreak than that of the Caddoes is apparent from developments a little later.[2] "In 1838 about 300 Mexican settlers near Nacogdoches were joined by as many Indians in a rising which looked very dangerous for a time. Their

[1] *Westward Extension*, George Pierce Garrison, New York, 1906, p. 89.

[2] "May 19, 1836, several hundred Indians attacked Fort Parker and slaughtered the garrisons on the head-waters of the Navallo about sixty miles from the settlements. The defeat of the Mexicans prevented a general attack on the frontier."—*History of Texas*, H. Yoakum, New York, 1856, vol. ii., p. 179.

leader, Vicente Cordova, was said to be acting under a commission from the Mexican General Filisola." [1]

It is no wonder that some Yankee soldiers in camp of observation, on either side of the Sabine, took absence without leave, to have a hand in suppressing a war party which might supply itself with scalps from the dwellings of Nacogdoches in Texas or Natchitoches in Louisiana. The soldier cared nothing on which side of a little river he effected such result. Neither did Jackson, probably, care overmuch, nor Gaines. And it was in view of this that Forsyth, through Powhatan Ellis—who had nothing savage about him save the name of a distant and royal relative,—was urging, somewhat strenuously for Hidalgo notions of diplomatic dilatoriness, the ridiculous Mexican travesty of a government, and farcical belligerent, to remember that the Texan army stood between Nacogdoches and the Mexican forces; and that it should not be considered meantime an encroachment on the honor of Mexico to protect from destruction by

[1] *Westward Extension*, George Pierce Garrison, New York, 1906, p. 233, citing "letters on file in the diplomatic correspondence of the Republic of Texas."

Indians the women and children over whom Mexico still claimed jurisdiction. But the supercilious Hidalgo, with his stage-strut, preferred to permit, or incite, the ruin of his dependent subjects, rather than let his honor be infringed by the tread of a neighbor's soldiers on the sacred soil from which he was himself by this time a fugitive pursued by Texan rifles. And if the storm of the gathering fiends should first break on the heads of the people of Louisiana, the citizens of our own republic? (For where there was most booty the storm clouds would be apt to drift.) The United States must endure the peril, submit to savage loot if it evaded her sentinel lines, and look to Mexico for damages.[1] That was the position taken by Don Gorostiza by the instructions of Santa Anna. No wonder he found the "occasions not agreeable."

For such sort of mortal disease as Red River Indian raids, Jackson held to the old-fashioned doctrine that an ounce of

[1] There is an interesting degree of parallelism in the Cananea affair in 1906, in which the interference of American troops to prevent riot, until Mexican troops could arrive, was not resented by the Mexican government.

prevention is worth a pound of cure, and let Gaines administer it—as results proved without bloodshed.

International law is not such an exalted institution that it has yet risen above the precedents of the common law which governs the everyday life of the citizen. Indeed, in many matters it is far behind the practice of our courts of jurisdiction over individuals.

If A's barn is afire, and adjoins your house, and endangers it; and you climb over A's fence without his invitation or permission, and extinguish the fire, you commit a technical trespass; but any sane judge or jury will refuse A any other than nominal damages, and will possibly find implied permission, even if A protests and resists—in which case you knock A down and put out his fire all the same. And you would not be made to suffer unendurably for that either. There is legal technicality, and there is common-sense in international law—and in the police courts. And, practically, common-sense is good law; technically good enough in most cases for really able lawyers and sound judges.

Jackson put out his neighbor's fire, and saved his neighbor's tenants and his own;

and can stand, or his memory can, the criticism of whoever is appalled, and wounded in his sense of etiquette, that Jackson should have been capable of common-sense on a national scale. Garrison, who, as a Texan, has grown up into a fuller sympathy with the events on Texan borders and a broader view of Mexican affairs than others possess, well says:

> What the criticism would have been if the instructions to Gaines had been such as to prevent him from advancing to protect the mass of women and children who fled before the Mexican invasion in March and April, 1836, from the Indian attack that was then feared, can hardly be imagined; and the government [of Jackson's administration] may well have been pleased to incur what it did rather than this.[1]

There are no considerable complaints as to the conduct of other diplomatic agents of the United States, until Mr. John Slidell of Louisiana was sent to Mexico on a delicate mission in 1845—which is to be considered later. But there were dissensions in the diplomatic correspondence worth mention partly because of the shape in which they

[1] *Texas, a Contest of Civilizations*, George Pierce Garrison, Boston, 1903, p. 254.

are made to appear in some of Daniel Webster's letters. Mexico querulously insisted on the United States observing neutral obligations in accordance with Mexican interpretations throughout the long periods of Texan settlement and war for independence, and during the alleged war for resubjugation of Texas, until annexation. The impossibility of Mexican demands was not ended with the answer made by Jackson, nor for years after; and became, with the Oregon question, a burden to Tyler's administration.

Bocanegra was Mexican Minister to the United States; his complaints were in the most offensive manner, inviting the reply which Mr. Webster made, that

> the President considered the language and tone of Mr. Bocanegra's letter derogatory to the character of the United States and highly offensive, and directed that no other answer be given to it than the declaration that the conduct of the United States in regard to the war between Mexico and Texas, having been always hitherto governed by a strict and impartial regard to its neutral obligations, will not be changed or altered in any respect or degree.[1]

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 259.

Mr. Webster had urged that "Mexico had been even more diligent than Texas in clandestinely obtaining contraband of war from the United States and other nations," including two armed vessels. He compared Mexico with herself; exhibiting how ridiculous was her war against Texas,

unsupported by anything but proclamations for six years, aptly illustrated by the stubbornness of Spain in sulkily declining to acknowledge the independence of Mexico herself until after twenty years, during all of which time Mexico had opened her arms wide to multitudes from the United States, England, Ireland, France, and Italy who flocked to fight her battles.[1]

Daniel Webster has been enough admired for his command of language to warrant the expectation that he would surpass Mr. Powhatan Ellis in formality of diction; but he is certainly as severe.

In August, 1843, the Mexican Government virtually put on file a provisional declaration of war, an ultimatum couched in such terms that the passage of the resolution of annexation by the United States Congress, signed by the President March 1, 1845, completed the status which constituted a condi-

[1] *Letters and Times of the Tylers*, vol. ii., p. 258.

tion of war between the two countries; and, from any point of view which regards questions of infringement of rights "so far as Mexico is concerned" (to borrow again the language of Judge Niles), any advance of troops, seizure of vessels or ports, any act of war on the part of either nation, would have been justified as within the rules of conduct of civilized war.[1] The Mexican Government declared in August, 1843, that the passage of an act by the Congress of the United States at Washington to incorporate Texas with the territory of the United States would be considered equivalent to a declaration of war.[2]

When therefore the annexation resolution was passed by Congress, war existed by sufficiently formal declarations so far as concerned the rights of nations; and no act of war or advance into territory of the enemy can be condemned for breach of international law. Constitutional, humane, or political objections are another thing.

[1] Until the resolution of the Hague Conference, July 16, 1907.

[2] *Bocanegra to Waddy Thompson.* House, Executive Documents, 28th Congress, 1st Session, No. 2, pp. 26–7 and 41–8.

The Slidell incident was therefore, so far as any question of international right between the United States and Mexico is concerned, a mere matter of supererogation; and deserves little notice save that it has been made a text for a number of slurs on the diplomacy of the United States.

Schouler,[1] Schurz,[2] Brady,[3] Elson[4] find in it additional grievance to Mexico, and proof that a political cabal was forcing war on Mexico for the purpose of robbing her of California; although there was pretext for seizing California ports quite sufficient in the conditions of tyranny and abuse on that coast without relying on any Texan troubles, or diplomatic provocations.

As early as December 4, 1841, Upshur's report as Secretary of the Navy exhibited "the necessity of naval protection to United States settlers in California"; and the necessity was obvious at the time of Fremont's

[1] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 524, note.

[2] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 277.

[3] *The Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, pp. 172 and 173.

[4] *History of the United States*, Henry William Elson, New York, 1904, p. 526.

expedition, which must be noticed later with questions of boundary and surveys.

The passage of the annexation resolution, March 1, 1845, was immediately followed by the departure of the Mexican minister, March 6th, and on March 28, 1845, all diplomatic relations between the two countries had come to an end.

But up to October 13th, no blood had been actually shed—not officially—and, though manifestoes and proclamations went to show that Mexico was acting in accordance with her threats, and regarded the annexation a declaration of war, there was a slight hope in some pious minds that war might yet be averted. A request therefore was made to the Mexican Government to receive a special envoy with power to adjust all questions in dispute. The request was granted by the liberal Herrera administration; but a United States naval squadron was near Vera Cruz for the protection of neutral shipping, and this was looked upon as a menace. The squadron was therefore withdrawn, and, November 10th, John Slidell of Louisiana (whose diplomatic qualities were such as to make him, in 1862, the first choice of the Confederacy to represent it in Europe) was accredited to Herrera,

as Envoy Extraordinary and Minister Plenipotentiary. It was objected that President Polk transcended his permission in sending a functionary so entitled.[1] But a minister was at that date the highest diplomatic officer known to the United States service[2]; and there was no appropriation apparently for payment of an official of like rank by any other name. On the recognition of Texas it was necessary to pass a special act to pay a diplomatic agent.[3]

The government of Herrera, comparatively liberal and inclined to peace with the United States, was too weak to dare oppose Mexican public sentiment, and, December 21st, declined to receive Mr. Slidell. Brady says he "left the country in high dudgeon."[4] In fact he only retired to Vera Cruz and awaited orders. Without imputing lack of personal courage to Mr. Slidell—or Mr. Powhatan Ellis,

[1] *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 172; *Life of Henry Clay*, Carl Schurz, Boston, 1887, p. 277.

[2] *Century Dictionary* and *American Diplomacy*, Eugene Schuyler, pp. 108 and 119.

[3] *Supra*, p. 137; and resolution of recognition, March, 1, 1837.

[4] *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 173.

or any other American official who may have been charged with haste in retiring from Mexico when excused from duty—it should be understood that when there was an excitement in Mexico—and that was almost constantly—it was a very unsafe place of residence for anybody, especially for an American whose official character was unrecognized or had terminated, and who was likely to be regarded as a spy; and without reckoning on the value of his own skin, a diplomat would be forgetful of his official obligations who did not bear in mind that so much as an indignity to a national representative is, of itself, enough to embroil nations.

General Paredes succeeded to the Dictatorship of Mexico, March 1, 1846; Slidell again presented his credentials and was again repulsed.

When the rejection of a United States minister was reported as "another grievance," Brady assumes the judicial robe and pronounces it "of course untrue."[1]

In treating the Slidell mission as a part of the alleged conspiracy of which Polk was now the exponent, to force a war and capture

[1] *Conquest of the Southwest*, p. 173.

California, the consensus of historians is based on their interpretation of a single slender bit of information. The charge that a President of the United States used his office with the deliberate purpose of forcing his country into what is assumed to have been a dishonorable position, and a bloody war,[1] is asserted, not on the testimony of some telepathic expert, but on the report of a witness that Polk once said: "There are four great measures which are to be the measures of my administration,—a reduction of the tariff; the re-establishment of the independent treasury; the settlement of the Oregon boundary; and the acquisition of California."

Brady traces this important discovery to Elson, Elson to Schouler, and Schouler says he had a letter in February, 1887, from George Bancroft, Secretary of the Navy in 1845, which said that President Polk made the statement to him in private conversation. Not a syllable is found to intimate that there was to be any effort to obtain a port which Webster had said was worth so many times more than all Texas, by any other means

[1] *The Foundations of American Foreign Policy*, Albert Bushnell Hart, New York, 1901, p. 71.

than purchase or negotiation, nothing to show that the war, if war was wanted, could not have been brought on just as rapidly without a peace mission.

On the contrary, Slidell's instructions were

> to offer Mexico that the United States would assume the payment of all just claims (of her own citizens) against Mexico to date (including instalment due on adjusted claims since April and September, 1844) and adjust the western boundary of Texas, and pay an amount to be negotiated.[1]

Mexico was too poor to pay the judgments against her; too proud to say so; and it was regarded as a graceful inducement to peaceful negotiations to become her banker.

But the opportunity is seized for criticism of Slidell and a blow over his shoulder at the whole body of United States diplomats concerned for six administrations with Mexican affairs, by describing him "as tactful as other ministers sent to Mexico." As he was not even received by the Mexican Government, it is difficult to see how he had

[1] *Life of Buchanan*, George Ticknor Curtis, New York, 1883, vol. i., p. 593.

occasion for showing himself to be tactful or otherwise.

When so much is made of so little by such distinguished writers, it is a natural inference that there is not much to support an untenable theory.

Slidell was authorized to offer $5,000,000 for Texas and $25,000,000 for California. But the sale of either of them was not to be made a condition of peace negotiations. The amounts offered were to be

besides assuming the claims of United States citizens against Mexico. . . . He was warned that conciliation of the Mexicans was indispensable to his success . . . [and] was to bear and forbear much in order to accomplish his mission. Later Slidell was informed that, if he discovered that the attempt to settle the boundary question in the manner indicated by his instructions would endanger the two prime objects of his mission—to counteract foreign influence adverse to the interests of the United States, and to restore the old peaceful relations with Mexico—he was not to sacrifice these objects in pursuit of the unattainable.[1]

Other causes than the unfitness of John

[1] *Westward Extension*, George Pierce Garrison, New York, 1906, pp. 215–216–217, citing Buchanan to

Forsyth, Daniel Webster, and James Buchanan for maintaining the national dignity and courtesy in diplomatic formalities were the causes of the war.

It was the constantly increasing number and the character of the claims against Mexico, and the recurring offences on which they were based, and not the manner of their presentation, which, General Wilcox saw, must have eventuated in war.

And neither the claims nor the correspondence nor the desire for slavery extension had served to bring on armed conflict until other causes had supervened.

The wolf continued to be harmless.

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Slidell, Nov. 19, 1845, and Dec. 17, 1845, U.S. MSS. Archives, State Dept.: also for complete exposition of the peaceful nature of Slidell's instructions and execution of them, so far as he was permitted by the Mexican authorities, see *ibid.*, pp. 214–225.

# CHAPTER XII

## BOUNDARIES

IT would have been with extreme difficulty, and by exercising more than ordinarily patient regard for each other's convictions, that any two, most civilized, of the nations could, for a long period of years, have avoided quarrelsome contention over boundary lines so undetermined as were those between the United States and Mexico.

With so ill controlled a disposition to reckon with as that of Mexico has been shown to have been, it is next to impossible that the boundary question alone would not have brought the borderers of the two adjacent nations to blows.

The Texas treaty in 1844 did not expressly define the boundaries of Texas; and President Tyler said in his message of June 10, 1844, that "the question was purposely left open for

negotiation with Mexico, as affording the best opportunity for the most friendly and pacific arrangements."[1]

Tyler did hope, and expect, to obtain Texas without war; as is made clear by his son's able history; but he blamed Polk unjustly for precipitating hostilities. For, as events proved, it was useless to have left open in 1844 the questions of Texan boundaries.

The treaty of Velasco, the armed interpretation and enforcement of it for nine years, the vote of the Texan Congress insisting on the boundary of the Rio Grande, Jackson's message announcing that insistence, and the recognition of Texas with notice of the boundary had made the boundary between Texas and Mexico—on the Rio Grande and the Del Norte, from Point Isabel to Santa Fé—probably the most clearly defined boundary Mexico had, excepting seacoasts only. Three centuries of Spanish possession had not served to define the limits of her provinces.[2]

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 435.

[2] "I have found nothing to show how far, in Spanish and American opinion, New Mexico was regarded as extending west or Sonora south."

"The name Moqui province was sometimes rather

There were two irreconcilable doctrines as to boundary or national possession; and —unless the treaty rights of the United States and Great Britain, by which the navigation of the St. Lawrence River and the Great Lakes is shared, and the treaties by which the navigation of European rivers is mutually free to the riparian nations, have crystallized the treaty obligations and practices of civilized nations into conformity with the American and Russian doctrine, and marked an advance in the slow science of international law—there still are two doctrines, diametrically opposed, by which boundaries may be originally acquired.

The old doctrine—that under which North America had been partitioned among the European powers—was as follows:

When any European nation takes possession of any extent of seacoast [as of New Orleans, Corpus Christi, Brazos Santiago], that possession is understood as extending to the interior country to the sources of the rivers emptying within that coast, to all their branches and the

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vaguely applied to the whole region north of the Gila Valley."—*History of the Pacific States of North America*, Hubert Howe Bancroft, San Francisco, 1882–1890, vol. xvii., pp. 344–5.

country they cover [or drain], and to give it a right to the exclusion of all other nations to the same. When the boundary between is not determined by this means, "the middle distance becomes such, of course."[1]

This was convenient Viking law, and has been so pertinaciously held to by the owners of war-ships as to be appealed to, for at least a rule for distribution of spheres of influence, to the present. If a pirate or war-ship or, indeed, a merchantman could run its prow into a river-mouth, or effect a landing near it, the sovereign whose flag the vessel carried took sovereignty over the whole watershed drained by the river. So that a garrison in New Orleans maintained ownership over the Mississippi Valley from the Alleghenies to the Rockies, and another at Louisburg commanded the Great Lakes and the Northwest. The doctrine of actual occupancy had begun to modify the old doctrine, but had not effectively supplanted it.

When Kentucky and Tennessee found

[1] Secretary of State to Don Luis de Onis, March 12, 1818; Pinckney and Monroe to Spanish Minister of Foreign Affairs, April 20, 1805; American State Papers, vol. xii., pp. 76, 311, 312.

themselves inconvenienced by denial of rights of reshipment of freights at the mouth of the Mississippi, George Washington and his Secretary of State, John Adams, pronounced a new doctrine, and set the stakes for civilized claims.

The new doctrine promulgated by Washington and Adams in the interest of the new republic was : great producing tracts have a natural right of communication, and passage for their products to the sea; and the blue water is, of natural right, the free highway of all nations.

This new doctrine has been the central and dominating incentive of American foreign policy; and it has been the ground for the necessary co-operation of Russia; not necessary by reason of Romanoff friendship, but because of Russian needs being identical with American. The eventual force behind such necessity is like the outward thrust of glaciers, irresistible, dangerous until it melts into the sea. The contention of the two doctrines as to the St. Lawrence ceased with the sharing of its commerce and that of the Great Lakes between two kindred peoples. The Louisiana Purchase avoided the contention as to the Mississippi region.

The American doctrine had not been acknowledged at the date of the Mexican War, if it ever has been formally acknowledged; and questions of boundary with Spain or Mexico depended on knowing the watershed, at least for understanding and meeting the contentions of Mexican and American settlers, or knowing for what it was the interest of either nation to contend.

How little was known of the boundaries has already appeared in part from the Texas Santa Fé expedition having lost its way and, as related by Kendall, having been unable to know whether it was on the upper forks of the Red River, or the Colorado of Texas, or the Canadian branch of the Arkansas.

It is true that by treaty the United States and Mexico had from the first defined their boundary on paper. The line could be traced well enough on a map for the most of its length. The line followed the river Sabine from the Gulf

to 32° and thence due North to where it strikes the Rio Roxo of Natchitoches, or Red River; thence following the course of the Rio Roxo Westward to 100° west of London, and 23° west of Washington; thence due North to the Arkansas river; thence on the South bank

of the Arkansas river to its Source in latitude 42° North and thence on parallel 42° to the South Sea, as per Mellish's map of the United States; but if the source of said river Arkansas shall be found to fall North or South of 42°, then the line shall run from said source North or South as the case may be till it meets 42°, and so west on that parallel.

For geographers, except for a jog at 42°, a practicable line. Nothing easier than to lay a boundary line upon a parallel of longitude. But for settlers, hunters, trappers, who had gone into a wilderness following the streams whose lower waters were in the possession of their respective nations, who was to set the merestones which were to mark the bounds within which allegiance, obedience, and taxes were due to one sovereign or the other? And where was the source of the Arkansas? At what insignificant spring at the head of some inaccessible runlet was to be set the corner-stone of division between two mighty adjacent territories? An additional article by convention of April 21, 1836, agreed on a commission to run the boundary line and fix landmarks.[1]

[1] *Treaties and Conventions between the United States and other Powers*, Washington, 1889, p. 675.

Along these enormous stretches of imaginary lines which way was access from the seaboard, or from settled places, into the unexplored fertile valleys and forests rich in furs, perhaps in gold? By what passes and portages and navigable stretches of their channels did rivers afford transportation to centres of commerce present or prospective; and in the territory of which nation, subject to what national restriction or concession? An Empire was beckoning and calling to the engineer and prospector—as indeed it continues to do to this day.

Out of a vast unmapped region flowed to the shore lines by not merely divergent, but by opposite routes and tortuous, dangerous, mountain-guarded channels, many mighty rivers with countless tributaries. Eastward poured out from this great and inexhaustible storehouse of waters the Missouri, the Yellowstone, the Big Horn, the Nebraska, the Sweetwater, the Arkansas, Canadian, and Red rivers, finding their way to the Mississippi and the Gulf of Mexico through the Louisiana Purchase of the United States. To the Northwest the Clearwater, the Salmon River, Salt River, the Henry Fork, and other tributaries of the Snake or Lewis

branch of the Columbia emptied into the Pacific at Astoria in the Oregon district which was being disputed with Great Britain. These tributaries of the Columbia almost interlace with the upper sources of the Humboldt River, which unites with the San Joaquin and the Sacramento and washes the bay of San Francisco in what was then Mexican territory. Another almost unknown region was the upper watershed of the great Mexican Colorado, or Green River, and its branches, the Grand, the San Juan, the Chiquito, and the Gila, divided by only narrow ridges from the sources of the Red and Canadian or Arkansas rivers, the upper waters of the Rio Grande del Norte and its chief tributary, the Rio Pecos, which empty into the Gulf of Mexico near the southwestern end of the Laguna del Madre, the limit of Texas.

The greater part, almost the whole, of the vast region where all these rivers and their branches have their sources was unmapped and unknown. What priority of occupation, or descriptions in old deeds or treaties, were to govern boundary questions, even on which principle of the law of discovery and national pre-emption

ancient rights and titles of pioneers were to be established, was uncertain. Questions as to the limits of Louisiana went back, as had questions of partition of the Texan and Florida seaboard, to the travels of De Soto and La Salle. The cession from France had not described the territory conveyed, other than by the quit-claim description, "the same tract conveyed to France by Spain." And that conveyance from France had not been unconditioned. No metes and bounds were mentioned. It has been said that when, after the sale of Louisiana, Talleyrand was asked what were the boundaries, he replied that he did not know, and Napoleon added that, "if they were not vague it would be worth while to make them so." And it has been believed that this disclosed a desire that there should be left open a subject of contention between the bordering nations. The report may be correct; but, if so, there was a duplication of the statements. Channing thinks that Napoleon, convinced of Talleyrand's avarice and willingness to convert to his own use a liberal commission, had not trusted him with the sale. The Louisiana Purchase was arranged between Marbois and Livingston. Talleyrand, after the contract

was completed, was asked about the boundaries and answered: "You have made a grand bargain, make the most of it." When it was suggested that the boundaries were indefinite, "Marbois said that 'they were, and that if the language had not been indefinite, it would have been well to have made it so.'"[1]

A matter of probable contention was not opened, but was left open, between Spain, Great Britain, and the United States; and appears to have been recognized with amused contentment by the agents of France.

There has seldom existed, therefore, more urgent reason for surveys of unmapped wilderness than applied to the vast unknown tracts claimed by Texas, Great Britain, the United States, and Mexico with their unmarked boundaries. The energetic nation which had despatched the Lewis and Clark expedition from the Mississippi to the Pacific, took up the task of such surveys with commendably undiminished energy, making surveys and maps in its own evident interest and in the interest no less evident

[1] *The Jeffersonian System*, Edward Channing, New York, 1906, p 76; *Histoire de la Louisiane*, Barbe Marbois, Paris, 1829, p. 311.

of all parties concerned. If delicate diplomatic discussions between rival powers were to ensue, certainly it would be well for the possibility of anything like permanent adjustment of debated questions, that the parties to the debate should know what they were talking about. The history has been written of the Lewis and Clark expedition, and there are reports of the other expeditions. From these, and from any reasonable conjectures founded on experiences of discoverers and surveyors who have penetrated into savage regions, and encountered the savage beasts and men that populate them, the desolation, the distances, the pathless wastes, the cold or heat, the innumerable privations, it must be believed that such survey parties as pushed into the great plains, the Sierras and Rocky Mountains, and the river gorges, must of necessity have gone provided with every equipment for averting anticipated exhaustion and perils.

But that is not the estimate of some of the historians.

Dr. Hart, Professor of History at Harvard, has been among the most eager exponents of the theory that the Mexican War was "waged to extend slavery"; so much so

that in speaking of it he ignores for the time, the influences of slaveholding in inducing the building up of an autocratic class, the clash in regard to the Missouri Compromise, the conflicting tariff interests of cotton planting and manufactures, and declares that the war "led to sectional rivalries which speedily brought on the Civil War"; a short circle to reason in. Sectional rivalries brought on the war and the war led to sectional rivalries and these to more war. In proof of his theory he asserts another theory which in its turn needs proof. "When in 1845 annexation of Texas was accomplished, no actual force was employed" (it could not be in passing a Congressional resolution) "because Mexico made no military resistance; but the principle of armed intervention had been cynically avowed, and was soon to be put into active service."[1] The avowal, cynical or otherwise, must have been Mexico's announcement that she would regard annexation a declaration of war.

Professor Hart reports the results of unexplained telepathy: "It was President Polk's purpose from the beginning of his

[1] *The Foundations of American Foreign Policy*, Albert Bushnell Hart, New York, 1901, p. 71.

administration to provoke a war with Mexico in order to have a pretext for seizing California."

We have seen a great deal of "strong inference" used in getting evidence for the fortification of historical theory. In regard to Polk's action the inference is that it was designed to bring on war, for California as a prize, simply because Polk had declared that he should make it an object to get California; and that therefore sending a minister with special peace instructions was for a warlike purpose.

Buchanan's instructions as Secretary of State to Slidell had been: "The President is sincerely desirous to preserve peace with Mexico. Both inclination and policy dictate the course." But the official declaration of a very formal chief of the diplomatic service of the United States need not be regarded as proof of anything as against a philosophical theory, even although the desire to have California and the desire to keep peace with Mexico are made entirely reconcilable by Professor Hart's own statement when he is arguing the folly of the war and on very tenable ground: "Texas was already secured and California must

have fallen to the United States without war." And so it would, perhaps, but for some external pressure to be considered in another connection. Polk, Buchanan, and Slidell are however to be regarded as having had too little acumen, and as having been too ignorant of the diplomatic and international relations intrusted at that juncture to themselves only, to have seen what could only occur to the philosophical intelligence of a later period and an intelligence not in contact with all the facts in the case. For it is the gravest difficulty of writing history by inference of motives, that some of the chief facts about which diplomatic differences occur are often only known by the diplomats themselves, and remain forever unrecorded and unrevealed.

But Professor Hart is equal to all emergencies for proving motive by actions construed by assumed motive: "Instructions were issued to naval officers to be ready to seize California." The instructions might be more fairly stated to have been to be ready to anticipate Great Britain if she attempted to seize any part of the coast; but, to pass the California question until the surveying expeditions have been heard from: "Eight

different military expeditions were sent out into Mexican territory."[1] It is impossible to consider at all such a statement from a historian, and a teacher of how history should be written, without vigorous protest as to its form. It is worse than inference. It is in the form of an attempt to beget a reader's inference. It is put in such words that the facts stated cannot be denied and disproved; but the words are used in such connection (in a list of "aggressive expeditions"), and the facts are stated in support of such a theory (a theory already stated as though it were a fact), that a false inference is suggested. The fact is made a false witness by an innuendo—the very last method of using language permissible to a historian or a pupil in history.

What is meant by a "military expedition"? When the "Putnam Phalanx" dons the uniform of Washington's Continentals of 1780, arms its rank and file with flintlock muskets, takes rail cars from Hartford, invades Massachusetts, and annihilates the

[1] *Foundations of American Foreign Policy*, Albert Bushnell Hart, New York, 1901, p. 71. To make out the number eight, expeditions "during the war" are included.

commissary stores of the Ancient and Honorable Artillery of Boston, that constitutes a "military expedition" in the expressed opinions of the participants and the vernacular of the reporter. The only one of the eight expeditions with which Polk invaded Mexico which seems to have been worth particularization was Fremont's "third and most belligerent." "He had an armed party of sixty men, and on his arrival in California was warned off by the Mexican authorities and betook himself for the time to Oregon."[1]

In numbers, then, the most belligerent of these expeditions was about equal to the Putnam Phalanx, was equally armed, was less warmly received, and as peaceably retired to a neighboring State, but without an invitation to call again; although soon after it did make another call and in different manner. Indeed sundry "military expeditions" under Taylor and Scott and Fremont and Kearney a year later were sent out into Mexican territory, were warned off by the Mexican authorities, but betook themselves, not to Oregon, but (with much bloodshed) to the Mexican capital, and to

[1] *Foundations of American Foreign Policy*, p. 71.

the strategic strongholds of her provinces. So wide is the scope of meaning attachable to the simple words by which a historian may by insinuation make accounts of national activities fit a theory, without laying himself open to conviction of direct misstatement, or mistake.

The survey expeditions went armed, but they were not therefore military expeditions in a necessarily offensive sense. There are grizzlies enough left in the regions surveyed to insure travellers therein going armed to the present day. The Santa Fé expedition, which did not aim at Mexican territory, was overcome by Indians. And, as if comment of the sort was not unheard of by Kendall, or in anticipation of the histories to be written after him, he says:

> It cannot be considered very strange that a military force accompanied the expedition. The number of men [about 300] was not really larger than that which accompanied the earlier Missouri enterprises; and did not prove sufficient against the Indians. These remarks I have made to counteract assertions put forth by the ignorant few, that the very fact of a military force being sent with the expedition was a proof of its hostile intentions. They would have had us,

forsooth, start off with walking-sticks and umbrellas, and been scalped to a man in order to prove our object pacific.[1]

It is not difficult to give the facts about Fremont's expedition in brief. His appointment to the command had been in part for political effect, and eventuated in a great political effect not intended.

An expedition was fitted out for Oregon in the summer of 1843; and the conciliation of Benton [his father-in-law] was one of the reasons which induced the administration to make John C. Fremont, apart from his own pre-eminent fitness for the place, the commander of the enterprise.[2]

In Fremont's third expedition his line of observation would lead him to the Pacific Ocean through a Mexican province—through the desert parts first and the settled part afterwards of the Alta California. Approaching the settled parts of the province at the commencement of winter, he left his equipment of 60 men and 200 horses on the frontier and proceeded alone to Monterey,

[1] *Narrative of the Texan Santa Fé Expedition*, George Wilkins Kendall, New York, 1844, vol. i., p. 17.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 292.

where he obtained permission to pass the winter and refresh his men and horses. On the permission being revoked he started for Oregon, but was recalled from the Great Tlamath Lake by instructions from Mr. Buchanan to watch and counteract any foreign scheme in California.[1] The importance of Mr. Buchanan's reasons for such instructions will be made obvious in the next chapter; but the finish of the work of the expedition may be given in this place, although a climax in the recital of the most important cause of the war is anticipated.

Butler, relating that "war-ships of the British and American navies were hovering off the coast, each anxious to find an opportunity to land, run up a flag, and take possession in the name of its government," cites Mrs. Jessie Benton Fremont for the following statement: McNamara, a British subject,

"working in the interest of a project originated at Rome to checkmate the growing Protestantism of the United States," had authority from the Mexican Government to establish 10,000 families

[1] *Thirty Years' View*, Thomas H. Benton, New York, 1854, vol. ii., pp. 688 and 689.

with a grant of 13,500,000 acres, on the express condition "to keep out the Americans." The valley of the San Joaquin was selected for the beginning of the settlement. General Castro had armed the Mexican Californians and had engaged the Indian tribes to help to exterminate the American settlers. Hence [says Butler] the attempts to hasten the British Admiral, Seymour, to land in California.

Fremont's advance "routed the Mexican force, broke up the junta, and on July 5, 1846, having learned of the declaration of war between Mexico and the United States, Fremont ran up the stars and stripes."[1]

There is an amusing feature in Prof. Hart's use of Fremont's expedition as a proof of the wicked and warlike conspiracy of the slaveholders. The people were captivated by the brilliant, picturesque survey, ending in a short, decisive campaign—great war news from the remotest point of contact with an enemy, a port secured on the disputed, far Pacific coast, opening a vista

[1] *Mexico in Transition*, William Butler, New York, 1892, pp. 87–90.

*New York Evangelist*, June 30, 1887. Paper of Rev. Dr. Ellinwood to General Presbyterian Assembly, 1881, is cited.

of empire a thousand times more important than a dozen archipelagoes; and all with a handful of exhausted engineers and rod-men. The first great shock thereby came to the citadel of slaveholding domination. The Free-soilers, who were to break the road for the election of Lincoln, made the pioneer of California their pioneer in politics, and followed him almost to a victory; the "Wide-Awakes"—torch-bearers in the picturesque campaign—singing with strained throats and smoke-roughened voices, to the music of *Hail Columbia*,

> "He made the wide Pacific free,
> The shores of that vast ocean free."

And there was no philosophical historian by to tell them he was only the tool of a slavery plot, or if there were, he was not listened to by the great Republican party.

But it was not the survey expedition or expeditions, nor boundary disputes, which brought the great republic to blows.

When war broke loose, and of a sudden, the surveyors came handy; and some of them were in place to act with advantage. But it was a matter of far greater significance

than more or less slave States,[1] claims for spoliations, river boundaries, or Mexico's resentment of military expeditions, which roused the American nation to the war point.

[1] "The annexation of Texas was logical and delayed only by the accidental connection with slavery."—*National Ideas Historically Traced*, Albert Bushnell Hart, New York, 1907, p. 26.

# CHAPTER XIII

## FOREIGN INTERVENTION, AND ANNEXATION

IF Carl Schurz had been as universally known as a historian as he was on the stump or in statesmanship, the caricaturists who formerly delighted in distorting his strong German face, and gleaming eye-glasses, would have found a choice opportunity for their unholy glee in his commentary on Daniel Webster's simplicity and unsuspecting innocence amid diplomatic and political intrigues. The honest and over-impetuous Teuton with his hammer-and-tongs hitting is a ludicrous tutor in craft for the finished statesman and experienced master in diplomacy.

As early as 1835 Webster had declared in the Senate, that he had no doubt that attempts would be made by some European government to obtain a cession of Texas from the government

of Mexico. It was natural to fear that if she [Mexico] negotiated a loan in England some condition fatal to the independence of Texas might be demanded.[1]

And Schurz writes:

Webster said that if the people of Texas had established a government *de facto*, it was the duty of the United States to recognize it. He was alarmed by rumors "that attempts would be made by some European government to obtain a cession of Texas from the government of Mexico." It has frequently been observed in the history of this Republic that those who agitate for a territorial acquisition spread the rumor that European powers are coveting it. It is strange that Webster should have failed to penetrate that shallow device.[2]

It would have indeed been strange, had there been nothing in it but a shallow device, and Webster had not penetrated it. There was something more, which the multitude of historians do not seem to have penetrated,

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 271. That is, that Great Britain would treat Texas just as later she did treat Egypt.

[2] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 91.

although facts were accessible, facts, however, which unfortunately do not correspond with already accepted theories.

The danger grew more imminent every day that foreign powers would step in.[1]

At this very moment Great Britain, whose national policy the President regarded as one of aggrandizement, was engaged in the iniquitous war upon China, to force upon her the opium trade.[2]

She was also engaged in the attempt to seize the Sandwich Islands.

Her attempts to make herself mistress of Oregon had been such as to have aroused the American people to the extent of electing Polk on the issue of "the re-annexation of Texas and fifty-four forty or fight." The presence of a British squadron off Monterey, and the scheme which Fremont defeated, have been noticed in a preceding chapter; also a plan for British anti-slavery men to extend British influence into Texas. Years after the close of the war of 1776 had seen Great Britain, in defiance of the treaty of Paris, holding forts and strategic positions

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, vol. ii., p. 255.

[2] *Ibid.*, p. 272.

on our western frontiers, including some in Texas. "The British ministry encouraged General Miranda in his designs to revolutionize Venezuela, aided the premature expedition which he fitted out in 1801, and furnished the funds for that in 1806."[1]

While the War of 1812 was being brought to a close by the treaty of Ghent, the British diplomatists, by a trick in the wording of the treaty, were endeavoring to seize the whole of the territory of the Louisiana Purchase.

"The British Government was signing a treaty with one hand, while with the other behind its back it is despatching Pakenham's army to seize the fairest of our possessions."

"I have learned from diplomatic sources of the most unquestionable authority"—it is General Jackson, in the second term of his presidency, who is talking, to Governor, and Senator, William Allen of Ohio—"that the British ministry did not intend the treaty of Ghent to apply to the Louisiana Purchase. . . . The whole corporation of them, from Pitt to Castlereagh, held that we had no right to that territory."

[1] *History of South America and Mexico*, John M. Niles, Hartford, 1838, vol. i., pp. 90 and 91.

To this Dr. Brady adds: "It is indubitably true that if the British had succeeded in defeating Jackson and seizing Louisiana they would have held it, treaty to the contrary notwithstanding."[1] But Jackson at New Orleans defeated Pakenham and the scheme of the ministry with him.

An American Commodore, Thomas Jones, had heard that there was an agreement for British occupation of California; had landed at Monterey, and had run up a flag. Mexico had, in correspondence, made a declaration of war; "but there was nevertheless peace," Jones hauled down his flag within twenty-four hours, and sailed away; and the United States apologized.[2]

All this the historians who are tied to theories of a war for slavery extension ignore or construe as evidence of provocation to Mexico. But there is evidence not so easily set aside.

"Mexico was in debt to British capitalists

[1] *The True Andrew Jackson*, Cyrus Townsend Brady, Phila., 1906, pp. 105–8, quoting largely from Colonel Augustus C. Buell.

[2] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., pp. 266 and 267.

*History of the United States*, James Schouler, Boston, 1889, vol. iv, p. 446.

some £10,000,000, secured on lands in Sonora, California, and New Mexico."

John Quincy Adams was as dull as Webster in failing to perceive that dread of foreign unfriendliness was a fake:

> I distrust the designs of Great Britain altogether. I believe their real policy far from desiring the abolition of slavery either in our Southern States or in Texas. I suspect on the contrary that for a suitable equivalent they will readily acquiesce both in the annexation of Texas, and to the perpetuation of slavery, to weaken and rule us.[1]

President Tyler was kept informed of the machinations of the British envoy in Texas to prevent annexation.[2] He had informed the Senate that he had reason to fear foreign occupation of Texas.[3]

Benton complained that Texas was not left to make peace with Mexico: "under the powerful mediation of Great Britain and France the establishment of peace was

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 260.

[2] *Supra*, "Mixed Motives," p. 157.

[3] 28th Congress, 1st Session Documents, from which the seal of secrecy had been removed.

certain."[1] The sort of peace which would exist under a French and English protectorate was not likely to be pleasing to the United States.

Houston played his diplomatic cards boldly. He threatened the United States, in case his overtures for annexation were rejected, with an empire of which the eastern boundary was to be the Rocky Mountains, and the northern British America, cutting off Oregon.[2]

"The project on foot was to establish a French monarchy under Marshal Soult."[3] An unpleasant outlook, and very likely only conjecture, but not so wild as not to have been realized almost exactly in the later kingdom of Maximilian, and as much a war incentive if mistakenly believed as though actual.

[1] *Thirty Years' View*, Thomas H. Benton, New York, 1854, vol. ii., p. 644.

[2] "Houston directed his Secretary of State, Anson Jones, to close with the offer" (of a virtual protectorate by Great Britain and France to be established by Lord Aberdeen's diplomatic act). . . "Jones however suppressed the order, which did not come to the light till four years later."—*Westward Extension*, George Pierce Garrison, New York, 1906, p. 154, citing *Niles' Register*, lxxiv., p. 413.

[3] Speech of Hon. Orlando B. Ficklin of Illinois, House of Representatives, Washington, March 2, 1848.

It is not necessary to expend many words in the reminder that the American nation and people have always been quite sensitive to any indications that a foreign nation was likely to become a neighbor on this continent. Before Monroe and Canning had conferred on this subject, induced thereto by the threat to free governments of the Holy Alliance, the general doctrine had been announced. October 29, 1808, President Jefferson wrote to the Governor of Louisiana:

> The patriots of Spain have no warmer friends than the administration of the United States. We should be well satisfied to see Cuba and Mexico remain in their present dependence; but very unwilling to see them in that of France or England; we consider their interests and ours as the same, and that the object of both must be to exclude all European influence from the Hemisphere.[1]

The attention of Mexico had been formally called to the message of the President of the United States of December 2, 1823, in which the Monroe Doctrine, as it is generally called, was stated.[2] The advice of Washington's

[1] *Mexico and the United States*, Gorham D. Abbot, New York, 1869, p. 317.

[2] *Treaties and Conventions of the United States*, Dept. of State, 1889, p. 1357.

Farewell Address, to keep out of foreign entanglements, had been so closely followed, or had been so fully in accord with the sentiment of the people, that it was with reluctance that our diplomats committed the nation to act in concert with another nation, or put itself into a position which might import the suspicion of any obligation to it. The distaste of doing otherwise than strictly minding one's own business had resulted in an established foreign policy which, expressed in euchre dialect, was, "I 'll go it alone."

Whether Houston liked the first office in an independent republic so well as to have lost his inclination to become only a citizen or a Senator of the United States, and was really willing to enter into a combination with one or more European powers for guarantee of Texan independence and promise of Texan aggrandizement, may be left to conjecture. The assistance from the United States, or the friendly relations with her administrations, had been sufficient to barb the arrows of anti-slavery orators and the historians, but had not served to make Texas prosperous. It is not to be thrown aside as an impossible notion, that Texas

felt that foreign support was her necessity. At all events, Houston went through the motions of inviting the co-operation of France and England; and Benton says he had secured it.

If this was all intended as a bluff to startle the American people, it must be admitted that it was well played, and nations other than the United States were led to the belief that they could at least obtain a sphere of influence in Texas.

After the treaty of annexation was rejected in the United States Senate, June, 1844, Lord Aberdeen proposed to pass a "diplomatic act" in which five powers should be invited to participate, to wit, Great Britain, France, the United States, Texas, and Mexico, to guarantee peace between Texas and Mexico.

The plan was cunningly conceived. The British Foreign Office was always well posted on the characteristics of an opposed diplomacy, especially was it well informed of the peculiar views of the United States; Great Britain had come into too frequent and violent contact with us not to know.

The United States would be invited to be a party to this [diplomatic] act; but *it was not*

*expected* that *they would accept the invitation.* It was believed Mexico would participate, but in case of her refusal, England, France, and Texas having passed the act as between themselves, Mexico would be immediately forced to abide its terms. The act if passed by only the three powers would not be abandoned; it would be maintained.[1]

That the United States would know of this diplomatic act when invited to join in it, is a matter of course; but the attention of the Senate was called to it by Calhoun, who represented that "this policy of Great Britain made it necessary to annex Texas as a measure of self-defence."[2] Von Holst with

[1] "On June 24, 1844, Aberdeen told Ashbel Smith that England and France would be ready, if the treaty of Annexation failed (and it had been already voted down in the Senate June 8), to join the United States and Texas in a diplomatic act settling the boundaries and guaranteeing the independence of the republic, in which Mexico should if necessary be forced to acquiesce." —*Westward Extension*, George Pierce Garrison, New York, 1906, p. 154, citing "Smith to Jones, June 24, 1844, in MSS. Diplomatic Correspondence of Texas, file 1714." "British Dipl.," *Texas Historical Series*, No. 1, published by the Texas Historical Society, Galveston, Tex., 1876. *Reminiscences of the Texas Republic*, Ashbel Smith, Dec. 13, 1875.

[2] *History of the United States*, James Ford Rhodes, New York, 1900, vol. i., p. 81, quoting Von Holst's *Life of Calhoun*, p. 232.

his charming politeness says of this: "A lie is a lie; and Calhoun knew that there was not one particle of truth in these assertions." There is always room for differences of opinion: "that is what makes horse-races," as they used to say in Kentucky; and Mr. Von Holst has a right to his opinion that there was no necessity of annexing Texas as a measure of self-defence. But a comparison of the officially accurate report of Lord Aberdeen's action with the Monroe Doctrine and its notions of self-defence for the United States would indicate not merely that Calhoun also had a right to his opinion without being charged in the grossest terms with falsification, but that his opinion was one likely to be shared by the vast majority of the American people.

There are other evidences that the administration had reliable information of steps being taken by foreign nations which would not be in conformity with our own wishes as to foreign influence too near to our possessions.

April 25, 1845, King, United States Minister to Paris, wrote to Buchanan, Secretary of State: "There is scarcely any sacrifice which England would not make

to prevent Texas from coming into our possession."[1]

The British and French agents in Texas, in conjunction with certain of the principal officials of that country, were making efforts to produce dissatisfaction with the terms of annexation proposed by the American Government March 25, 1845.[2]

There was trouble brewing of which Polk's administration was probably advised, but in regard to which little would be said outside of diplomatic circles so long as war with Great Britain and Mexico at the same time was not coveted. Friends of the United States in Texas would have been likely to see to it that the administration knew confidentially what it was their interest to know, and of Texas that it should be known.

Among such friends was Ashbel Smith. Born in Hartford, Connecticut, in 1805, he graduated from Yale in the class of 1824, and from the Medical School in 1828, after a course in law study. He became noted for a medical practice in which he gave his

[1] *Life of James Buchanan*, George Ticknor Curtis, New York, 1883, vol. i., p. 585.

[2] *Ibid.*

services free, and for volunteer work during epidemics in different cities. He served as a volunteer through the Mexican War, and in 1860 he raised a regiment, the 2d Texas, and served with the Confederates.

Houston sent him abroad as Minister from Texas; and under the Jones presidency he continued to represent Texas at various times, in the United States, Great Britain, France, and Spain. He was at one time the Texan Secretary of State, and went as Special Envoy to close up the Texan legations in Europe after the annexation.

His testimony is full as to what was the actual position of affairs relative to a foreign protectorate of Texas; he says he personally "saw Louis Philippe and Monsieur Guizot and received the absolute assurance that France would unite with the British Cabinet in the 'diplomatic act' proposed by Aberdeen." The British Foreign Office at that time "sought only peace with Texas and a free market for its cotton without having to climb over a United States Tariff." But it sought peace with a protectorate.

There had been other unpleasant features in proposed foreign intervention.

It is hardly supposable that anti-slavery

societies in the United States, or Mr. Adams —who had been in more or less correspondence with the British and Foreign Anti-slavery Society,—were kept informed of some of its activities, as reported by Mr. Smith. That society,

> having its seat in London, . . . entered with strange eagerness into the cause of Mexico, at an early period, against Texas; they promoted the building and fitting out of Mexican war-steamers designed to ravage the coasts of Texas. These war-steamers were light-draught vessels built on models furnished by the Admiralty; carried each two 68-pounder Paixhan pivot guns besides lighter armament; and were commanded by two distinguished British officers—Captains Cleveland and Charlwood of the Royal Navy—by permission of the Admiralty, to serve in the Mexican Navy; manned by British seamen, recruited mostly in London and Portsmouth.[1]

Should such an exhibition of British neutrality seem incredible to any one, let him read in McCarthy's *History of Our Own Times* of the building and equipment and manning of the *Alabama*. The stories

[1] *Texas Hist. Series*, No. 1., Galveston, 1876; *Reminiscences of the Texas Republic*, Ashbel Smith, p. 39.

are almost identical except for change of dates.

There was plenty of reason for John C. Calhoun—whatever his sins against the republic, and he surely had enough to account for,—there was reason enough for any citizen, to believe that the danger of a European government or protectorate of Texas, or California, indeed of both, was so great as to make it necessary in self-defence to undertake the protection of Texas ourselves, and not leave it to another. At any rate the representatives of the people appear to have so believed; and the nation which for nine years had refused to take Texas into the Union, whose Senate, April 22, 1844, had voted by more than a two-thirds majority not to ratify a treaty to annex Texas, had, on May 1, 1846, learned so much of some new reason, Lord Aberdeen's "diplomatic act" or something else, that Congress passed a joint resolution to annex Texas, with the boundary of the Rio Grande still claimed by her; virtually joining war with Mexico, who had formally declared that such a resolution would be regarded as equivalent to a declaration of war.

There had been plenty of other provo-

cations, motives, causes for war; and, with a patience almost unparalleled in the history of nations, the great republic had forborne to join issue of battle with a weaker neighbor; had refused to extend slave territory; had refused to punish insults to the flag, seizure of ships, murder and robbery of citizens; had refused to collect just and long-past-due claims for spoliations except in court of arbitration; or to do battle for unsurveyed boundaries. But a French and Mexican empire or a British suzerainty on our immediate borders the United States would not have. Texas was made a State of the Union, Fremont was ordered to the Pacific, and the war which had been held back for a decade, as too inglorious with a weaker nation, was at last offered unhesitatingly to three.

# CHAPTER XIV

## THE WAR AND ITS CONSEQUENCES

IT has been very generally asserted by historians that, all else having failed, the Mexican War was finally forced upon Mexico by the advance of General Taylor to the Rio Grande. Tyler asserts that "there was no necessary connection at all between annexation and a war with Mexico. War was precipitated by Taylor's advancing his troops to the Rio Grande where the Mexicans had a few scattered settlements."[1] Noll adds to a similar assertion: "He sought the opportunity to cross the Rio Grande and take possession of Matamoras,"[2] although, as events proved, the opportunity sought him, at Resaca de la Palma. Schurz waxes

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 416.

[2] *From Empire to Republic*, Arthur Howard Noll, Chicago, 1903, pp. 160 and 161.

oratorical and says: "The country between the Nueces and the Rio Grande had been wildly claimed by the Texans, although really looked upon as, at most, disputed territory. But Polk's administration assumed to decide the boundary question by force." "The eastern bank" [of the Rio Grande] "was dotted with Mexican villages and military posts."[1]

None of these posts were in possession of Mexico[2]; not an armed Mexican had been allowed to remain east of the Rio Grande for nine years, except for the brief period required to hunt him out; but it is easy for theorists to forget it.

Distinction should be made between the Rio Grande to El Paso, and the Rio Grande

[1] *The Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., p. 273.

[2] The Secretary of War, Mr. Marcy, in ordering General Taylor to the Rio Grande, July 30, 1845, did except from his instructions to "extend protection up to this boundary, . . . posts in the actual possession of Mexican forces." But I have seen no account of Taylor having found any. The inference from General Grant's memoirs is that there were none observable from the line of march. Also see speech of Hon. James Dixon of Connecticut in the House of Representatives, a brilliant Whig attack on Polk, exhibiting that Taylor was ordered to the Rio Grande by his first orders.

del Norte above that village. The country west of the del Norte Texas could not control at that period, nor could Mexico. But that does not prove that Texas had not enforced her possession between the Nueces and the Rio Grande.

"July 30 [1845], General Taylor was ordered to defend Texas as far as occupied by Texans." August 23d he was instructed that if a large Mexican army should cross the Rio Grande, and August 30th that if there were an attempt to cross by a large Mexican force, the President would regard it as an act of war. Mr. Schurz adds another scrap of history by innuendo: "Taylor began to understand what was required of him." In proof of which he says: "In October Taylor asked more definite instructions."[1]

Thus the question of boundary is renewed in such shape that it must be met in a new point of view, in connection with Taylor's occupation of the Nueces territory and his advance. Schurz continues:

Texas never succeeded in establishing her claim to territory west of the Nueces, although she had tried to seize Santa Fé, and had failed

[1] *Life of Henry Clay*, Carl Schurz, Boston, 1887, vol. ii., pp. 274 and 275.

lamentably. It is as certain as anything can be that the Texan boundary line never had been, and was not at the time of the annexation, the Rio Grande.[1]

Orators of presidential campaigns have been proverbially surest of doubtful points; but that is not good form in the historian. Kendall tells truly what was the expedition to Santa Fé—which made no attempt at seizure.[2]

And Santa Fé had about as much to do with the dispute concerning the boundary west of the Nueces as St. Louis did. Santa Fé, in what is now New Mexico, is on the east of the Rio Grande del Norte near the springs of the Rio Pecos and of the Canadian branch of the Arkansas; and the failure of Texas to occupy it was easily understood when the United States was later compelled to build a dozen forts from Fort Fillmore to Forts Union and Defiance, to protect that country from the Indians. Santa Fé is about 1100 miles up river from Taylor's point of contact with Mexican

[1] *Life of Henry Clay*, vol. ii., p. 178.

[2] Very likely because it was not strong enough, after the Indians had well-nigh destroyed it.

forces at Palo Alto, and not far from 900 miles to the north of the northernmost sources of the Nueces.

It is true, as Garrison says, that "Texas had failed to establish its jurisdiction over such Mexican settlements as lay along that river on its hither side." So it is true that neither had Mexico established her jurisdiction there, or, it may be said, anywhere else, so far as exercising any government was concerned.[1]

In much the same sense it is true that there are tracts in the Adirondacks and in the Katahdin region over which New York and Maine, or the United States, have even hitherto "failed to establish their jurisdiction." But of the tract below El Paso, between the Nueces and the Rio Grande, although the Texans had not interfered with the few miserable Mexican settlers—"many of them hiding under ground for fear of the Indians," as General Grant tells us—it was within the military jurisdiction of Texas; and had been so since San Jacinto.

When Tyler, as he submitted in his Texas treaty message, "left open the question of

[1] Unless possibly in enforcing some taxes or church tithes when the Texans did not happen to be looking.

boundary purposely for negotiation with Mexico," Schouler says: "This meant that he adopted the fraud of the Texas revolutionists in voting to themselves the whole domain of Mexico to the Rio Grande, whereas the original and uniform southwestern boundary of the Texas province was admitted to be the river Nueces."[1] In this short sentence there are three unwarrantable assumptions in the three words "fraud," "revolutionists," and "voting," the latter ignoring the Velasco treaty, and nine years' occupation, as it is extremely convenient for Mr. Schouler's school of objectionists to do. But he quotes Austin as his authority for his theory of boundary, and Austin, when correctly quoted, is an accurate witness. Mr. Schouler of course intended to quote correctly, but apparently was misled by some publishers' date. For his authority he adds a note: "See Austin's map of Texas published in 1837." Now, if Austin had made a map in 1837 which set the boundary of Texas on the Nueces, it would mean that he acknowledged the invalidity of the peace of Velasco and the boundary therein mentioned. If

[1] *History of the United States*, James Schouler, Boston, 1889, vol. iv., p. 519.

he made it prior to May 14, 1836, he would at any later date have said of his map, as Napoleon said of an old map of Europe, "But we have changed all that." In the "List of American Maps in the Library of Congress, P. Lee Phillips, F. R. G. S., Chief of the Division of Maps and Charts, Washington, 1901," there is no mention of any map of Austin's published in 1837. Probably a date of republication, or of a second edition, may have been given to the copy Mr. Schouler consulted, which it would seem probable must have been a copy of that indexed in the Congressional Library as a "Map of Texas with parts of adjoining states, Compiled by Stephen F. Austin, engraved by John & Wm. W. Warr, Philadelphia, 30x24¼, Philadelphia, H. S. Tanner, 1836. *Note: Copyrighted 1835* by H. S. Tanner."

Unless Austin hastened to get out a fresh map to emphasize the old original boundary (for Schouler is right as to the boundary of Mexican provinces) and to set himself down in record evidence as agreeing that it was "uniform" after a splendid campaign had removed it, the Austin map cannot be said to show what was the Texan boundary in 1837 or 1846.

So far from the left bank of the Rio Grande being "dotted with military posts," all the Mexican military posts, important enough to be indicated on a map, in that section or near it, were Manclova, Santa Rosa, San Fernando, and Rio Grande, protecting the Mexican frontier; and they were all four located in the hill country well to the westward or Mexican side of the Rio Grande; while the tract lying between that river and the Nueces, instead of being "dotted with Mexican villages," has a legend printed across it in Austin's map of 1835: "Droves of Wild Horses"[1]; also across Coahuila and Tamaulipas, neighboring Mexican provinces, is printed "Droves of Wild Horses."

"The territory claimed by Texas was bounded west by the river Bravo del Norte [Rio Grande]."[2]

But questions of boundary between Texas and Mexico are futile. They had already been determined, so far as the right of

[1] *North Mexican States and Texas*, Hubert Howe Bancroft, San Francisco, 1882–90, vol. ii., p. 79.
*History of Texas*, David B. Edward, with map, Cincinnati, 1836, Hartford, 1837.

[2] *History of South America and Mexico*, John M. Niles, Hartford, 1838, vol. i., p. 213.

American officials to question them was concerned, by the admission of Texas with the expressed claim of the boundary of the Rio Grande. Furthermore the so-called disputed territory was now a tax district of the United States by act of Congress.[1] Neither Polk nor Taylor was in a position to dispute its nationality. A tax collector for it had been appointed and his appointment confirmed by the Senate. If Tyler was at fault in the matter as chief executive, it was for leaving the question of boundary open for negotiation at all; although the resolution by which Texas was annexed was conditioned on "the adjustment by this government of all questions of boundary that may arise with other governments."[2]

As soon as annexation was accomplished, indeed as soon as Congress had passed the resolution proposing to Texas terms of annexation, the two nations were in a state of war by virtue of the Mexican declaration through Bocanegra. It was the duty of an executive to protect at once that territory and its inhabitants whether in Texan settle-

[1] Act, December 1, 1845.

[2] 28th Congress, 2d session, House Journal, p. 260.

ments or Mexican. He had no option. And since Mexico had declared that annexation would be regarded as a declaration of war, there would have been no breach of international etiquette had an expedition been launched at once against the Mexican capital itself.

Yet in the hope of peace Slidell was sent on his special mission, and Taylor was only given instructions "to occupy the disputed territory to the same extent for defence and protection that the Texans had occupied it." But the Paredes government sent back Slidell; the Mexican minister had long ago demanded his passports; the American delegation in Mexico was notified that Mexico closed all relations with the United States; this was formally made known to the other foreign representations; proclamations summoned the Mexican people to take up arms; and a thousand regulars of the Mexican army were ordered to the frontier of Texas. Nevertheless Taylor was held in check. The instructions stood (October 16, 1845, Secretary of War William L. Marcy to General Zachary Taylor): "Probably no serious attempt will be made by Mexico to invade Texas although she

continues to threaten incursions." Mexico had warred with Houston by proclamations for so many years as to have established a character for waging that sort of hostilities.

Meantime Fremont's little company of engineers made safe the American settlers on the Pacific—or with the naval squadron at hand virtually had them under protection. When Slidell was definitely sent home August 1, 1846, General S. W. Kearney, pushing into New Mexico, took possession of its capital, August 18th. The manner of his occupation is too illustrative of why American institutions take root and grow where Spanish domination withers, not to demand space for the telling. September 26th (within forty days) he proclaimed an organic law and general code, compiled by Colonel A. W. Doniphan, 1st Missouri Mounted Volunteers, and private Willard P. Hull of his regiment; part Mexican laws with modifications made necessary by the United States Constitution; part laws of Missouri territory; part laws of Texas, or Texas and Coahuila; part from Missouri statutes; and part from the Livingston code.

The chances for a war by paper proclamations only on the part of Mexico, diminished.

On receiving news of the treaty [of annexation] Santa Anna made preparations for a vigorous and extensive invasion of Texas. Adrian Woll, the commander at Mier on the Rio Grande, issued an order that "any person without discrimination of sex or nationality who should be found within one league of the left bank of the river should be shot as a traitor on a summary court-martial."[1]

It was fully time for the United States to protect the inhabitants of its territory, or of a disputed territory, or an enemy's territory. Even a river bank "dotted with Mexican villages," as Schurz says it was, would be entitled to protection from Mexican clemency as administered by Santa Anna and Adrian Woll, if within reach of civilized soldiers.

And the only feasible way of extending that protection was by advancing a little army like Taylor's to a position where his skirmishers, reinforced by gunboats, could have a great river in their front.

When the last hope of the success of Slidell's mission expired (and he was not even permitted to submit his credentials to

[1] *Letters and Times of the Tylers*, Lyon Gardiner Tyler, Richmond, 1885, vol. ii., p. 334.

Paredes[1]), August 1, 1846, Taylor was again ordered to the boundary. As commander of a department, he would have been justified in taking the responsibility of this advance without waiting for instructions, or even in disobedience of them, when Woll issued his manifesto; it was so obvious that he could not perform the main duty assigned to him with a base at Corpus Christi. Besides needing better sanitation for his command,[2] Taylor found the port of Corpus Christi otherwise impracticable as a base. To begin with, a look at the map of Texas is enough to show it to be evidently unsafe from the point of view of naval strategy. With the exception of about fifty miles in all, the coast of Texas is screened by islands. From the western end of the Laguna del Madre stretching eastward a hundred miles with its estuaries (the Salt Lagoon, Nueces Bay, and Corpus Christi Bay), the bays of Aranzas, St. Charles, Espiritu Santo, Matagorda,

[1] Probably by the influence of the British minister. See *Westward Extension*, George Pierce Garrison, New York, 1906, p. 225.

[2] "You will occupy on or near the Rio Grande del Norte such a site as will consist with the health of your troops."—Bancroft, Assistant Secretary of War, to Taylor, June 15, 1845.

Galveston, and its flanking West Bay and East Bay, and Sabine Lake and Pass, are screened by outlying beaches or islands in such manner as to afford perfect shelter and hiding for hostile or pirate craft, of light draught and swift, such as were constructed for Mexican use by the British Anti-Slavery Society, capable of destroying transports or, in numbers and issuing from tortuous and shallow inlets, capable of attacking unexpectedly and overpowering ships-of-war.

There was no port safe, no water fit for manœuvring a fleet, short of Brazos Santiago and Point Isabel.

The landing at Corpus Christi was eighteen miles up a shallow channel and the outer channel was impassable for vessels drawing over three feet of water.[1] "When near Matamoras General Taylor with the cavalry went forward to Point Isabel to meet the transports which were expected to arrive with troops and stores. Finding these already in harbor he immediately established Point Isabel as a depot of supplies."

Palo Alto and Resaca de la Palma were

[1] *Personal Memoirs of U. S. Grant*, New York, 1895, vol. i., p. 39.

battles fought to repel attempts to cut him off from this base.[1]

"He was to hold Point Isabel and maintain the use of the Rio Grande for navigation."[2] "Ships of war were to cover the base at Point Isabel."[3]

To secure a practicable base was Taylor's object in selecting his position on the Rio Grande, and not, as has been frequently asserted, an attack on Matamoras, which was relatively of no importance, although he did in one of his despatches inform the Secretary of War that Matamoras was within range of his guns. The attacks on his communications Taylor promptly repulsed and punished at Palo Alto and Resaca de la Palma; and Polk in his message to Congress very truthfully and properly described the ambuscade and destruction of a small body of Taylor's dragoons by a superior Mexican force—which was the opening of those battles, and occurred in a tax district of the United States—as "the shedding of American blood on American

[1] *History of the War with Mexico*, Horatio O. Ladd, New York, 1883, p. 42.

[2] *Ibid.*, p. 38.

[3] *The History of the Mexican War*, General Cadmus M. Wilcox, Washington, 1892, p. 32.

soil"; and deserved nothing of the obloquy thrown upon him for "an untruthful and frantic war message," a message which was approved by the House of Representatives by a vote of 174 to 14 and by the Senate 40 to 2.[1]

The war once begun was rapidly, skilfully, and bravely fought to a finish against enormous odds in numbers; against Mexican regulars; against great natural obstacles; in the enemy's territory. From a purely military point of view it has not been often disputed that the Mexican War was a glorious triumph of American soldiership and leadership. There is no occasion for a review of the reports of it. The full story of its campaigns is recorded ably and satisfactorily by General Wilcox, General Scott, Documents of 24th to 30th Congresses, Professor Garrison, and the complete bibliography in his *Westward Extension.*

So far from this war having been an incentive to, or in any way bringing on, the later desperate war with the Confederacy

[1] The vote in the House was 174 to 14 on the resolution proclaiming war. But 65 had voted for an amendment refusing an indorsement of Polk's reasons given in his message.—Speech of Hon. James Dixon, House of Representatives, Jan. 24, 1848.

of the Southern States, the intimate knowledge it gave to the officers of each other and of the troops from the two sections of the country which they led in Mexico did much, though unavailingly, to avert the later strife, and to advise each section of the other's resources. And through the four years of battle for the nation's life, the brotherhood and respect, amounting in many cases to almost reverence, maintained by and between the leaders who inevitably rose from their lieutenancies and captaincies in Mexico to the command of corps and armies and departments in the war for the Union, became, especially among the West Point graduates, the greatest of all the forces which held enraged sections to amenities of civilized war and unexampled forbearance on either side at its close; on the one side a forbearance from punishment or requirement of indemnity; on the other a refraining from guerilla fighting and an honorable respect of parole. It was the Mexican War, as an early school of American soldiership, which has its fruition idealized in such a picture as Mrs. Longstreet paints of Grant with his hand on Longstreet's shoulder at Appomattox, saying, "Well, Old Pete, how about a game of poker?"

One must look deeper than to the rude familiarity this might suggest to an outsider. In a moment the broken-hearted Lieutenant-General of the Confederacy was a boy once more, the interval of years and hostility was bridged, victor and vanquished were once again in the palaces of the Montezumas, comrades, no longer foes, nor under restraint of official etiquette.

From Cerro Gordo to Churubusco covered the time only from April 18 to August 20, 1847; and Mexico was prostrate before the power of the United States. Unwilling to further impoverish and wound a conquered adversary, General Winfield Scott himself proposed an armistice; and Nicholas P. Trist, who had been present with the army from its first advance—so great had been Polk's desire to save the Mexicans from the consequences of the corruption and folly of their officials,—was sent as a commissioner to treat with Mexico for terms of peace.[1]

It is of no profit to review the proposals

[1] *Life of James Buchanan*, George Ticknor Curtis, New York, 1883, vol. i., p. 601.

*Westward Extension*, George Pierce Garrison, New York, 1906, p. 248, citing Senate Documents, 30th Congress, vii., No. 52, pp. 85–89.

and counter-proposals, the gist of the matter being that there was no conclusion reached; and General Scott, learning that Santa Anna with his habitual treachery was making use of the interval of armistice to strengthen his fortifications, terminated it September 7th.

September 13th, Chapultepec was taken by storm, and September 14th, the City of Mexico was captured by assault. Texas and California and the intervening territory were taken into the United States, and twenty millions of dollars paid to Mexico, less three millions of claims the payment of which was assumed and made by the United States; the war thus ending with the treaty of Guadalupe Hidalgo, February 2, 1848. The Texan claim of a boundary on the Rio Grande was maintained.[1]

On this Dr. Brady indignantly and most

[1] *Treaties and Conventions of the United States with other Powers*, p. 682.

Mr. Henry M. Morfitt was American Agent in Texas. He writes to the Secretary of State, August 27, 1836: "The Rio Grande was made the western line by implication, as Article III. of the agreement stipulates that the Mexican troops should evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte" (*British and Foreign State Papers*, London, 1853, vol. xxv., p. 1365).

unjustifiably comments: "In an attempt to justify a high-handed proceeding and change a theft into a forced sale, he [Nicholas P. Trist, United States Commissioner] was authorized to offer a sum not exceeding twenty millions of dollars."[1] Dr. Brady's language is, from any point of view, amusingly ill-chosen; there is nothing furtive or concealed, or of the nature of theft, in a high-handed proceeding; and a victor's treatment of the vanquished and prostrate is necessarily high-handed, if it is only to lift up the fallen.

Indeed, Dr. Brady virtually retracts his accusation:

> Inasmuch as we had the power to impose our own terms upon Mexico, which was completely prostrate and absolutely helpless, there is a certain amount of magnanimity in our volunteering the sum of money in payment for territory we had taken, and for which we need not have paid a cent.[2]

In fact not only California, New Mexico, and Texas—sections of territory which Mexico had exhibited her total incapacity

[1] *Conquest of the Southwest*, Cyrus Townsend Brady, New York, 1905, p. 230.

[2] *Ibid.*, p. 246.

to govern—were in possession of the United States at the close of the war; but her capital, and every post capable of being made a strategic base, she had lost beyond hope of recovery, unless, possibly, Oaxaca under Juarez should be excepted. Commodores Stockton, Shubrick, and Biddle held every Mexican port, and were in mastery of her whole coast. Every foot of her soil or waters that Mexico holds to-day was a free gift from the United States. And so broken and dissolved were her institutions of government in 1848—if she may, strictly speaking, be said to have ever had any,—so irretrievably ruined were her finances, and instrumentalities for collecting any, that it was necessary to put a provisional government temporarily and immediately in funds for Mexico's housekeeping, or be responsible for utter riot and anarchy in the districts given back to her. Furthermore, as the imperfect government of Mexico had long exhibited an entire lack of capacity to provide a decent administration (certainly for regions so far remote from its capital as were California, Colorado, and Texas), to have left them in the possession of Mexico—and Mexico bankrupt—would not only have been

inhumane to the inhabitants of those regions and their neighbors, but would have been to invite their cession to foreign powers for necessary loans; indeed, with Mexico indebted in the sum of £10,000,000 to Great Britain, it may be said that the United States took the mortgaged provinces from Great Britain rather than from Mexico.

Three times in her history has the United States made Mexico a present of herself—yes, four: Once when volunteers from the United States helped her throw off the yoke of Spain, and prompt recognition of her attempted republic discouraged Spanish resubjugation; again when she was set up in business by the reverse of a demand for indemnity in the peace of Guadalupe Hidalgo; again when at her own peril the United States from 1857 to 1861 held Mexico under a virtual protectorate against half of Europe[1]; and yet again when Sheridan massed a matchless army of veterans on the Rio

[1] "During the whole of Buchanan's administration our relations with Mexico were in a complicated and critical position, in consequence of the internal condition of that country and of the danger of interference of foreign powers."—*Life of James Buchanan*, George Ticknor Curtis, New York, 1883, vol. ii., p. 215.

Grande, and restored Mexico to herself, free from the grip of France and Maximilian.

This review will have failed of its purpose if it shall not have prompted the investigation of some future historian, and the questioning of some honest American boys, whether the treatment of the people of Mexico by the United States (for it is always with peoples and not with their despotic rulers that the people of the United States affiliate) has not been marked and exceptional in the record of nations, for friendliness and forbearance to a weaker power.

Nor will this review have attained its end unless some warning be served upon distinguished writers—especially such authors as the labors of professorships hamper in the labor of independent historical investigation—not to be blinded by the glamour of great names and the opinions of great and noble men, and not to follow the multitude into the error of construing facts into conformity with somebody's preconceived theory.

# INDEX

# INDEX

Abbot, G. D., *Mexico and U. S.* cited, 73, 244
Aberdeen, Lord, proposal for Texan protectorate, 246, 247
Adams, Pres. J. Q., bias on Mexican War, 1; cited, 45; attempts to purchase Texas, 86–7; on attempts to bring on war, 144; denied, 145; characterized, 169–70; *Diary* not authority for censures, 171; as to foreign designs on Texas, 242
Agua Dolce, butchery at, 188–9
Aguayo, Marquis de, rule in Mexico, 93, 94
Alamo, the, defence of, 114–18; "Remember," 117, 153
Amijo, ——, hideous savagery, 91; cruelty, 179
Anti-Slavery Society, British and Foreign, aid to Mexico against Texas, 251
Archer, B. T., 59
Arizpe, Ramon, and Mexican constitution of 1824, 64
Armijo, see Amijo
Austin, Moses, career, 61–2
Austin, S. F., sides with Mexico, 54; career, 62 *ff.*; drafts constitution of 1824, 64, 90; on Indian ravages, 95, 96–7; works for separate government for Texas, is imprisoned, 101; raises revolt, 103–4; military acts, 106; commissioner to U. S., 106; great speech at Nashville cited, 42, 62, 65, 70, 95, 96–7, 111; Texan Secretary of State, 128; map of Texas, 259–60

Bacon, Leonard, denounces missionaries taking slaves with them, 73

Bancroft, George, favors Texas annexation, sends Taylor to Rio Grande, 14; authority for Polk's policy, 210; orders to Taylor, 266
Bancroft, H. H., *Hist. Pacific States* cited, 44, 63, 215–16; *N. Mex. States and Texas* cited, 261
Barbé-Marbois, F. de, on Louisiana Purchase, 224
Barradas, Isidro, expedition against Mexico, 80
Bennett, Major, treatment by Mexicans, 181
Benton, T. H., on J. M. Niles, 25; deprecates "manifest destiny," 34; *Thirty Years' View* cited, 147, 154, 233, 243–4, 246
Bocanegra, ——, Mexican minister, 203, 205
Boundary doctrines, 215 *ff.*
Bowie, James, early career, 57; at Mission Concepcion, 106; wins the "grass fight," 107; killed at the Alamo, 117
Brady, C. T., bias on Mexican War, 1; *Conquest of Southwest* cited, 31, 40, 43, 55, 62, 195, 196, 206, 208, 209, 210 (on Polk); *True Andrew Jackson* cited, 241 (on Louisiana), 273 (on terms of peace)
Buchanan, Pres. James, as diplomatist, 168–9; instructions to Slidell, 227; to Frémont, 233
Burleson, Edward, succeeds Austin, 107; captures San Antonio, 108; succeeded by Houston, 114
Burnet, D. G., 59
Burton, I. W., and his "horse marines," 128
Bustamante, Anastasio, Niles on his dictatorship, 27; set up by Santa Anna, 82, 99; cruelties and deposition, 82–3; oppresses Texas, 99
Butler, William, *Mexico in Transition* cited, 73, 233–4

Calhoun, J. C., on J. M. Niles, 24; on foreign protectorate of Texas, 248
California, assumed intrigues to obtain, 226 *ff.*; Frémont's expedition to, 232–4

Calleja, F. del R., cruelties, 78–9
Canada, good U. S. relations with, 39
Castrillo, General, intercedes for prisoners, 115–16
Chambers, T. J., 59
Channing, Edward, on Louisiana Purchase, 224
Chapultepec monument, 16
Charles V., Emperor, reform decree of 1542, 75
Clay, Henry, instructions to purchase Texas, 86–8; on decadence of slavery, 151
Coahuila, Texas joined to, 97; anarchy in, 101
Connecticut favors Texan recognition, 136
Corpus Christi, defects as a base, 266–7
Cos, ——, Santa Anna's lieutenant, 101; attempts treachery, 103; marches on Bexar, 104; at San Antonio, 106; captured by Burleson, 108; generous terms to, 108–9; breaks parole and takes field, 122
Crockett, David, early career, 57; killed at the Alamo, 117
Cuba, reasons for recognizing, weaker than for Texas, 136 *ff.*, 159–163
Curtis, G. T., *Life of Buchanan* cited, 169, 211, 249, 271
Cushing, Caleb, mention, 14

Dickins, Asbury, chief clerk State Dept., 193, 194
Dixon, James, cited, 269

Edward, D. B., *Hist. Texas* cited, 261
Edwards, Hayden, 54
Ellis, Powhatan, action as chargé d'affaires on Mexico, 167, 171–2, 189 *ff.*, 194, 199
Elson, H. W., *Hist. U. S.* cited, 44, 167 (on Mexican claims), 196 (on Gaines' "invasion"), 206, 210 (on Polk)
England, international results of constitutionalism, 35; wars compared with U. S., 40; designs on California, 234; on Texas, 237 *ff.*; on Sandwich Islands, 239; on Oregon, 239; on Louisiana Purchase, 240–1; conduct as to Venezuela, 240; mortgage on Mexico, 275

Fannin, J. W., at Mission Concepcion, 106; evacuates Goliad, 118; butchery of forces, 119
Filisola, Gen., ——, accepts Texan treaty, 126
Fiske, John, on purchase of Indian lands, 37
Forsyth, John, Sec. State, diplomatic conduct, 190–2, 194–5, 199
France, part in proposed protectorate of Texas, 250
"Fredonian War," 54
Frémont, J. C., expedition to California, 230–232 *ff.*, 264; personal results, 235

Gaines, Gen. E. P., "invasion" of Mexico, 47, 194 *ff.*
Galvez, José de, beneficent administration, 76
Garrison, G. P., on S. F. Austin, 63; *Southwestward Extension* cited, 126, 155, 161, 191, 198, 199, 271; *Texas* cited, 127, 202; on Tyler *vs.* Polk, 156; on Powhatan Ellis and Mexican claims, 171, 191; on Gaines' action, 202; on Slidell's mission, 212; on foreign protectorate of Texas, 243, 247; on Rio Grande boundary, 258; on British intrigue, 266
Gates, ——, torture by Mexicans, 180–1
Goliad, captured by Texans, 109; massacre after evacuation of, 119
Golpin, ——, murdered by Mexican commander, 180
Gonzales, Mexican assault on, 105; men from, join band at the Alamo, 115
Gordon, J. B., on A. S. Johnston, 58
Gorostiza, M. E. de, Mexican plenipotentiary, 192 *ff.*, 200
Grant, Dr., ——, horrible murder at Agua Dolce, 189
Grant, U. S., bias on Mexican War, 1, 11–12; mention, 14; on Taylor's army, 48; *Memoirs* cited, 52, 267; on A. S. Johnston, 59; on Monterey, 108; on tract east of Rio Grande, 258
Griffith, ——, murder by Mexicans, 180

Guadalupe Hidalgo, treaty of, 28, 272
Guerrero, Vicente, 43; set up by Santa Anna, 81; forced out and murdered, 82

Hart, A. B., change of view on Texas, 154, 210, 236; old view, 226–7; on California, 227–8, 228–9, 230
Hawley, J. R., on U. S. fairness, 19
Herrera, J. J. de, Mexican president, 208–9
Holst, H. von, on Mexican War, 2; criticised by L. G. Tyler, 145; on Ellis' Mexican diplomacy, 167; on bogus claims, 168; on foreign protectorate of Texas, 247–8
Hopkins, J. H., on Whig platform of 1844, 156
Houston, "Sam," figments concerning Texas career, 44–7; real career, 57–8; command in 1835, 106; succeeds Burleson, 114; orders Goliad and San Antonio evacuated, 114; retreat justified, 120–1; president of Texas, 128; paper war with Santa Anna, 186, 264; retreat through Texas, 197; threatens foreign protectorate of Texas, 243, 245–6
Humboldt, A. von, *Essai Politique* cited, 73
Hunt, Memucan, 3; Texan minister to U. S., 97; commissioner, 128

Indians, fairness of national dealings with, 36–9; of Mexico, danger to Texas, 70, 92–6, 102, 127, 149, 186, 197 *ff.*, 199 (commissioned by Mexico). *See also* Mexico.
Iturbide, Agustin, 64; treaty of 1821, 79; seizure of authority, 79–80; supplanted, 81

Jackson, Andrew, "intrigue" with Houston, 46–9; politics of his administration, 49–50; hesitates over recognition of Texas, 129; suspicion of motives unjust, 130; possible motives, 132–3, 134–5; reports Texas claim of boundary, 135; and close of diplo-

Jackson, Andrew—*Continued*
matic relations with Texas, 194; orders to Gaines proper, 202; results of battle of New Orleans, 241
Jay, William, on Mexican claims, 167, 168
Jefferson, Pres. Thomas, on foreign protectorates in America, 244
Johnson, W. F., on Tyler *vs.* Polk, 157
Johnston, Alexander, *Am. Political Hist.* cited, 154
Johnston, A. S., characterized, 58–9
Jones, Com. T. ap C., on Pacific coast, 174, 241

Kearney, Gen. S. W., occupies Santa Fé, 264
Kendall, G. W., 179; *Texan Santa Fé Expedition* cited; on peonage, 66, 67–9; on constitution of Mexico, 90; on Mexican military savageries, 91; on Mexican people, 92; narrative, 105, 178 *ff.*, 231–2
King, Rufus, on foreign protectorate of Texas, 248–9

Ladd, H. O., *Hist. War with Mexico* cited, 49, 50–1 (unjust slur on Texans), 90–1, 127, 142, 173, 174, 268
Lafitte, Jean, his pirates, 52 (in Jackson's army), 69
La Salle, R. C. de, policy, 89
Llano, ——, murder of prisoners, 77
Louisiana Purchase, 31, 32; indefinite boundaries, 223–4; saved by victory of New Orleans, 241
Lowell, J. R., *Biglow Papers* quoted, 12–13; not authority, 13, 14
Lyell, Sir C., not authority on Mexican War, 13–14

MacDonald, William, *Jacksonian Democracy* quoted, 133, 150
McMaster, J. B., *Hist. U. S.* cited, 101, 102, 110
*Maine*, the, blowing up of, 161–2
Matamoros, Mariano, execution of, 77
May, T. E., *Constitutional History* cited, 35
Mayo, Dr. Robert, value of his evidence, 45–6

Mexican War, area added to U. S. by, 32; a certainty independent of Texas question 184; course and conduct, 266 *ff.*; results in national unity, 269–71; terms of peace, 272 *ff.*

Mexico, acts compared with Texas, 50–1; early efforts to settle Texas, 51–3; failure to give protection, 52; condition under Spain, 73 *ff.*; Indians of, 75; gains independence, 79–80; recognized by U. S., 80–1; under Iturbide, Victoria, and Santa Anna, 79–85; no effective occupancy of Texas, 89–91, 112; savagery of officials, 91; ferocious proclamation, 113, 118; treaty with Texas made and broken, 125–6; anarchic condition, 127–130; reasons for recognizing, weaker than for Texas, 138–9, 159–63; cruelties in Texas of long standing, 162–3; U. S. claims against, 164 *ff.*; English and French, 165; conduct to U. S., 173–4; obstructiveness on claims question, 176–7; contrast of people and rulers, 181–2; U. S. diplomatic correspondence with, 185 *ff.*; paper war with Texas, 186, 264; breaks off diplomatic relations with U. S., 190–1; demands that U. S. outlaw Texans and suppress no Indian raids, 193–4; boundaries with U. S., 197 *ff.*; absurd claims of dignity, 200; provisional declaration of war, 204–5, 262–3; again breaks off relations, 207; refusal of Slidell mission, 208 *ff.*; offers from U. S. 212; boundary questions, 214 *ff.*; "military" expeditions into, 228 *ff.*; losses by the war, 272 *ff.*; anarchy after it, 274

Milam, Benjamin, capture of San Antonio, 108; killed, 109

Mina, Gen. F. J., insurrection, 52–3; execution, 78

Monasterio, ——, Mexican minister, 171, 191–2

Monroe Doctrine, 244–5

Morelos, J. M., defeat at Pascuaro, 77; execution, 78

Morfitt, H. M., on Rio Grande boundary, 141, 272

Niles, J. M., direct authority on Mexican War, v., 26–8; character and authority, 21 *ff.*; *Civil Officer*, 26; *Hist. S. Amer. and Mexico*, 27; cited on Mexican history, 26–7; justifies Texas annexation, 28, 50; and boundaries, 28–9; disfavors annexation of Mexico, 29; deprecates "manifest destiny," 34; *History* cited, 42, 43, 54, 60, 62, 64, 66, 72, 74, 75, 76, 77, 78, 79, 80, 83, 85, 95, 101, 110, 113, 115, 116, 206, 240, 261
Noll, A. H., *From Empire to Republic* cited, 254
Nueces River, reasons for making boundary, 132, 134; confused with Sabine, 186; question of boundary, 255 *ff.*

O'Donoju, Juan, signs treaty with Mexico, 80–1, 139
Oregon question entangled with Texas, 151, 152
Owen, C. H., personal note, 16–19

Paredes, Mariano, dictatorship, 209
Pascuaro, battle of, massacre of prisoners, 77
Pease, L. T., direct authority on Mexican War, v., 26
Pedraza, ——, presidency, 83
Peonage, shocking conditions of, 16, 65–9
Point Isabel, Taylor's base, 267–8
Polk, Pres. J. K., 3; meaning of election, 30–1; acquiesces in Tyler's course on annexation, 157; reported on proposed measures, 210
Porter, Com. David, Foxardo affair, 48
*Press, Hartford*, foundation and auspices, 24

Quautla [Cuautla], massacre at, 79

Reid, Mayne, 57; *The Free Lances*, 187
Remedios, massacre at, 78
Rhodes, J. F., not authority on Mexican War, v.; frivolous choice of authorities, 11–15; cited, 42, 45, 147, 169 (on J. Q. Adams), 247

Rio Grande, as boundary, 94, 108, 110, 126, 127, 131, 134, 140–1, 215, 254 *ff.*
Roosevelt, Theodore, on "manifest destiny," 34
Rusk, T. J., 59; on "Mexican government," 126

Sabine River as boundary, 53, 121, 198–9
Salazar, ——, murder of prisoners, 180
San Antonio de Bexar, captured by Texans, 108; the Alamo and its heroes, 114–18
San Jacinto, battle of, 122–5
Santa Anna, A. L. de, Niles on his presidency, 27; establishes Guerrero, 81; and Bustamante, 82; succeeds him, 83; *coup d' état*, 83–5; atrocities at Zacatecas, 84–5; uses Texas as base of revolution, 99–100; advance on San Antonio, 113; capture of the Alamo, 115–18; orders all prisoners of war butchered, 118; carries it out on Fannin's, 119; crosses Brazos, 121; burns Harrisburg, 122; battle of San Jacinto, 122–5; prisoner and signs treaty of Texan independence, 125–6; breaks it as soon as free, 126; paper war with Houston, 186, 264; murder of prisoners, 186, 264; ferocious orders for Mexican War, 265
Santa Fé, 257–8; expedition, 178 *ff.*, 219, 232–3
Schouler, James, on Polk's war message, 2; acknowledgment of bias, 9–11; blindly followed, 11; on "wolf and lamb," 33; cited, 43 (on Virginia), 45, 110, 116 (on Santa Anna), 137, 165, 166 (on Mexican claims), 168 (on diplomacy), 196 (on Gaines' "invasion"), 206, 210 (on Polk), 241, 259 (on Rio Grande boundary), 260
Schurz, Carl, cited, 44; on haste in recognizing Texas, 137; on motives for annexation, 142; on Clay's belief in decay of slavery, 150; on Polk issues, 153; on Van Buren and annexation, 162; on Mexican claims, 169, 175, 176, 206; on Webster

Schurz, Carl—*Continued*
and foreign designs on Texas, 237–8; on Rio Grande boundary, 255, 257, 265; on Taylor's movement, 256
Schuyler, Eugene, cited, 208
Slavery, Mexico and Texas, 43, 44; compared with peonage, 65–9; part in forwarding annexation, 143–4, 145–7, 150
Slidell, John, mission to Mexico, 206 *ff.*; slur on, 211, 263
Smith, Ashbel, on foreign protectorate of Texas, 247; career and authority, 249–50; cited, 251
Smith, "Deaf," 107, 123 (cuts bridge at San Jacinto)
Smith, Goldwin, on "wolf and lamb," 3; on Houston's expedition, 44
Smith, Henry, of Ky., 60; Texan Secretary of the Treasury, 128
Spain, home and foreign contrast, 72–3; colonial system, 73–5; policy in colonizing Texas, 89
Sparks, E. E., *United States* cited, 45; on exaggerated Mexican claims, 166
Stiles' *Hist. Ancient Windsor* cited, 25
Strother, D. H., on Mexican peonage, 66–7
Sumner, W. G., on Jackson's Texas "conspiracy," 45–9; on military demoralization, 47–8; on Texas boundary claim, 135; on forcing on of Mexican War, 156; on Mexican claims, 166–7; on Gaines' "invasion," 196

Taylor, Zachary, state of army in Mexican War, 48; preliminary orders, 263–4, 266; operations, 266 *ff.*
Texans, unjust slur on, 50–1, 109
Texas, area annexed, 32; foundation of, 42 *ff.*; Mexican anti-slavery decree rescinded for, 43, 44; early Spanish settlements in, 51–3; Mexico extended no protection to, 52, 70–1; refugees in, 54–5; fighting adventures in, 55–60; early U. S. attempts to pur-

chase, 86–8; not effectively occupied by Mexico, 89, 93–6, 112; joined with Coahuila, 97; aids in setting up Santa Anna, 100; petitions for separate government, 101; left without any, 101–3; ordered disarmed, 102; first war at Gonzales, 104–5; conquers to Rio Grande, 110; war ended at San Jacinto, 113–25; maintains boundary of Rio Grande, 127; proclaims it, 134; claim to water-shed of Rio del Norte, 133; delays in recognition, 129–40; recognized, 137; claim stronger than Cuba or Mexico, 138–9, 159–63; *cf.* Grant and Lee, 139; motives for annexation, 142 *ff.*; advantage for trade, 151; methods of annexation debated, 155–6; reasons why hastened, 157 *ff.*; paper war with Mexico, 186; boundaries with U. S., 197 *ff.*; threatened foreign protectorate, 243 *ff.*

Travis, W. B., career, 57; drives out Mexican officials, 103; at the Alamo, 114–18

Trist, N. P., commissioner to Mexico, 271, 273

Turner, F. J., *Rise of New West* cited, 170

Tyler, Pres. John, 3; on Texas annexation, 145; secret message of 1844, 148–9; utterances and character, 149–50; reason for hastening Texas annexation, 157; course defended, 157–8; on Texas boundary question, 214–15, 258–9; fears foreign occupation of Texas, 242

Tyler, L. G., *Life and Times of the Tylers* cited, 50, 89, 145, 146, 147, 150, 152, 153, 157, 183, 184, 188, 203, 204, 232, 238, 239, 241, 242, 254, 265

United States, credit to officials, 3–6; justice of wars, 8–9; honor of dealings, 19; oldest constitutional government, 35; good international record, 35–6, 39–40; and Indian record, 36–9; pioneer in civilized warfare, 40; in arbitration, 41; forbearance in Texas case, 110–12, 163; general sympathy for

United States—*Continued*
Texas, 128–9; slow to recognize Texan independence, 129–31; claims against Mexico, 164 *ff.*; forbearance in pushing, 175–6; slackness in defending citizens, 182–3; diplomatic correspondence with Mexico, 185 *ff.*; offer to pay claims, 211; boundaries with Mexico, 214 *ff.*; cause of annexing Texas, 237–53; takes Texas war and all, 204–5, 262–3; repeated generosity to Mexico, 275–6
Upshur, A. P., on J. Q. Adams' charges, 145; on California, 206
Urrea, Gen., orders all prisoners of war butchered, 118; executes it on Fannin's command, 119; butchery at Agua Dolce, 188–9

Van Buren, Martin, on J. M. Niles, 25; declines annexing Texas, 162
Velasco, treaty of, 125–6, 139, 140
Victoria, Guadalupe, presidency of, 81

Webster, Daniel, on J. Q. Adams' charges, 145; on value of San Francisco, 152, 210; as Secretary of State, 158; remonstrance with Mexico, 187–8 203–4; as to foreign designs on Texas, 237–8
Welles, Gideon, on J. M. Niles, 25
Wells, D. A., on injustice of Mexican War, 15–16; on peonage, 66–7
Wharton, W. H., 59; Texan minister to U. S., 128
Whartons in Texas, 59
Wilcox, C. M., *Hist. Mexican War* cited, 48, 184, 268
Williams, A. M., direct authority on Mexican War, v., mention, 3; *Sam Houston* cited, 53, 60, 84, 119 128, 140
Woolsey, T. D., judgment in Mexican War casual, v., 135–6; admits extreme value of territory, 135, 150; reasons in Cuban case weaker than in Texan, 136 *ff.*, 159

Wosten, W. G., *Hist. Texas* cited, 94
Wright, Silas, on J. M. Niles, 25

Yoakum, H. K., direct authority on Mexican War, v., mention, 3; *Hist. Texas* cited, 58, 117, 188, 189, 198

Zacatecas, betrayal and massacre at, 84–5: American citizens involved, 178

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